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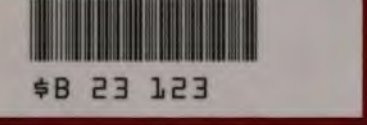
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THE CHARTER

OF THE

CITY OF RICHMOND,

Approved May 24—amended July 11, 1870;

AND

THE CITY ORDINANCES,

PASSED SINCE THE

LATE EDITION OF THE ORDINANCES

IN 1869.

PUBLISHED BY AUTHORITY OF THE

COUNCIL OF THE CITY OF RICHMOND.

RICHMOND:
EVENING NEWS STEAM PRESSES.
1871.

JS1341
.A8
1871

AN ACT

Providing a Charter for the City of Richmond, approved May 24, 1870, as amended by an Act approved July 11, 1870.

CHAPTER I.

ELECTIONS.

1. Be it enacted by the general assembly, That the territory contained within the limits prescribed by the act passed February thirteenth, eighteen hundred and sixty-seven, and entitled an act to extend and define the boundaries of the city of Richmond, and by any act hereafter passed by the general assembly of this State, shall be deemed and taken as the city of Richmond; and the inhabitants of the city of Richmond, for all purposes for which towns and cities are incorporated in this commonwealth, shall continue to be one body politic, in fact and in name, under the style and denomination of The City of Richmond, and as such shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations now incumbent and appertaining to said city as a municipal incorporation. Charter of city of Richmond; its territory. Corporate name. Powers.

2. The administration and government of the said city shall be vested in one principal officer, to be styled the mayor; one board, to be called the council of the city of Richmond; and in such other boards and officers as are hereinafter provided for. Administration and government.

3. The said city shall be divided into five wards, which number of wards the city council hereafter may increase as they may deem it expedient. Every such division shall be made in such manner as to include an equal number of voters in each ward, as nearly as conveniently may be, consistent with the well defined limits of each ward. Until such revision be made, the boundary lines of wards shall remain as now established. Wards.

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Special elections, how ordered

4. Whenever any special election shall be ordered by the city council for any object not provided for in the general election laws of the State, they shall communicate their order for the same to the judge of the corporation court, and the same proceedings shall be had as are provided by the laws of the State for special elections to fill vacancies in any municipal office.

Municipal elections, when held

5. The election of municipal officers, hereinafter mentioned, shall be held on the fourth Thursday in May next, and on the fourth Thursday in May in every second year thereafter, except for the election of city treasurer, who shall be elected on the said Thursday in every third year thereafter; and the said elections shall be conducted under the provisions of the general election laws of the State.

Vacancies, how filled

6. In cases of vacancies arising in any municipal office herein provided to be filled at the first election that may be held thereafter in said city, it shall be the duty of the mayor forthwith, upon the happening of such vacancy or vacancies, to certify the fact of such vacancy or vacancies to the judge of the corporation court, who shall issue his writ for election to fill such vacancy or vacancies in the manner prescribed in the general election law of the State.

Oath of office, before whom taken

7. The mayor and the members of the city council, before entering upon the duties of their respective offices, shall be respectively sworn in accordance with the laws of this State. Such oaths may be administered to the mayor elect by any judge of a court of record commissioned to hold any such court within said city; and the members of the city council by the mayor, being himself first sworn as aforesaid, or by any judge of any court of record as aforesaid; and a certificate of such oaths having been respectively taken, shall be filed with the city clerk, and entered upon the journal of the city council.

Other officers

Every other person elected or appointed to any office under this act, or under any law or ordinance of the city council, shall, before he enters upon the duties of said office, take and subscribe said oath, and such other oaths as may be required by law or ordinance, before the mayor or city clerk, the said clerk having himself been first sworn by said mayor or a judge of a court of record as aforesaid; and a certificate of the same shall be filed in the office of said city clerk.

City clerk, certificates filed with

If any person, elected or appointed to any office in said city, shall neglect to take such oath for forty days after receiving notice of his election or appointment, or shall neglect, for the like space of time, to give such securities as may be required of him by the city council, as hereinafter provided, or as may be hereafter required by any law or ordinance, he shall be considered as having declined such office, and the same shall be deemed vacant; and whenever any such vacancy shall occur, another election shall be ordered or another appointment made, according to the directions of this act.

CHAPTER II.

MAYOR.

Mayor, how elected and term of office. Who may hold such office.

8. The mayor shall be elected by the qualified voters of the city of Richmond for the term of two years, and until his successor shall be elected, and qualify; and no person shall be qualified to hold the office of mayor except such as shall be qualified to hold office under the constitution of this State. His salary shall be fixed by the city council, payable at stated periods; and he shall receive no other compensation or emolument whatsoever; and no regulations diminishing such compensation, after it has been once fixed, shall be made to take effect until after the expiration of the term for which the mayor then in office shall have been elected. The salary of the mayor, when fixed, shall so continue until changed by the city council as aforesaid.

Salary.

His jurisdiction and powers.

9. He shall, by virtue of his office, possess all the jurisdiction and exercise all the powers and authority, in criminal cases, of a justice of the peace of said city, in addition to the powers hereby given to him by virtue of this act, or that may hereafter be given to him by virtue of any other act of assembly; but he shall receive no fees for his services as such justice of the peace.

Shall receive no fees.

General statement to council.

10. It shall be his duty to communicate to the city council annually, as soon as may be after the commencement of the fiscal year, and oftener if he shall deem it expedient, or be required by said council, a general statement of the situation and condition of the city in relation to its government, finances and improvement, with such recommendations as he may deem proper.

His powers over subordinate officers

11. He shall exercise a constant supervision over the conduct of all subordinate officers, have power and authority to investigate their acts, have access to all books and documents in their offices, and may examine said officers and their subordinates on oath. He shall also have power to suspend or remove such officers for misconduct in office, or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in his defence. On the removal or suspension of such officer or officers, the mayor shall report the same, with his reasons therefor, to the city council, at their next stated meeting.

Shall not remove subordinate without notice

Removal or suspension to be reported to council

When president of council shall act as mayor

12. In case of the absence or inability of the mayor, the president of the city council shall possess the same powers and discharge the municipal duties of the mayor during such absence or inability.

Vacancy, how filled

13. In case a vacancy shall occur in the office of mayor, the city council shall elect a qualified person to supply the vacancy until the first general election which may be held in the city thereafter, when the vacancy shall be filled by election for the unexpired term.

CHAPTER III.

CITY COUNCIL.

Councilmen, their election and term of office

14. The council of the city of Richmond shall be composed of twenty-five members, or more, according as the number of wards of said city, as hereinbefore provided, shall be increased. The several wards of said city shall be respectively represented in said city council by five councilmen, who shall be residents of their respective wards, and shall not be less than twenty-one years of age. They shall be elected by the electors of their respective wards, and hold their offices, respectively, for two years.

Vacancy in council, how filled

15. In the case of any vacancy happening in the city council, by death, removal from the city, resignation, or otherwise, the city council shall elect a qualified person to supply the vacancy until the next election which may be held in the city, when the vacancy shall be filled by election for the unexpired term.

President of council

16. The council shall elect one of its members to act

as president, who shall preside at its meetings; and when, from any cause he shall be absent, they may appoint a president pro tempore, who shall preside during the absence of the president. The president, or the president pro tempore who shall preside when the proceedings of a previous meeting are read, shall sign the same. The president shall have power at any time to call a meeting of the council; and in case of his absence, sickness, disability, or refusal, the council may be convened by the order, in writing, of any three members of the council. Called meetings of council

17. The council shall have the authority to adopt such rules, and to appoint such officers and clerks as they may deem proper for the regulation of their proceedings and for the convenient transaction of business; to compel the attendance of absent members; to punish its members for disorderly behavior; and, by a vote of two-thirds of the council, to expel a member for malfeasance or misfeasance in office. They shall keep a journal of their proceedings, and their meetings shall be open, except when the public welfare shall require secrecy. Rules officers and clerks of council. Power over members. Journal

18. A majority of the members of the council shall constitute a quorum for the transaction of business. But on all ordinances or resolutions appropriating money, exceeding the sum of one thousand dollars, imposing taxes, or authorizing the borrowing of money, the yeas and nays shall be entered on the journal. No vote shall be re-considered or rescinded, at a special meeting, unless at such special meeting there be present as large a number of members as were present when such vote was taken. Quorum. When yeas and nays entered on journal. When vote reconsidered, &c.

19. The city council shall have, subject to the provisions herein contained, the control and management of the fiscal and municipal affairs of the city, and of all property, real and personal belonging to the said city; and may make such ordinances, orders, and by-laws, relating to the same, as it shall deem proper and necessary. They shall likewise have the power to make such ordinances, by-laws, orders and regulations as they may deem desirable to carry out the following powers, which are hereby vested in them: Powers of city council

I. To establish markets in and for said city; appoint clerks and proper officers therefor; prescribe the times Markets, &c.

and places for holding the same; provide suitable buildings therefor, and to enforce such regulations as shall be necessary or proper to prevent huckstering, forestalling, and regrating.

Work-houses, &c.

II. To erect or provide, in or near the city, suitable workhouses, houses of correction or reformation, and houses for the reception and maintenance of the poor

Poor of the city

and destitute. They shall possess and exercise exclusive authority over all persons within the limits of the city, receiving or entitled to the benefits of the poor laws; appoint officers and other persons connected with the aforesaid institutions, and regulate pauperism within the limits of the city; and the council, through the agencies it shall appoint for the direction and management of the poor of the city, shall exercise the powers and perform the duties vested by law in overseers of the poor.

Public buildings, squares and parks

III. To erect and keep in order all public buildings necessary or proper for said city; to open, regulate and ornament public squares and parks.

City prison

IV. To erect within said city a city prison, and said prison may contain such apartments as shall be necessary for the safe keeping and employment of all persons confined therein.

Water and gas works

V. To establish or enlarge water works and gas works within or without the limits of the said city; contract and agree with the owners of any land for the use or purchase thereof, or may have the same condemned for the location, extension, or enlargement of their said works, the pipes connected therewith, or any

Protection from injury

of the fixtures or appurtenances thereof. They shall have power to protect from injury, by adequate penalties, the said works, pipes, fixtures, and land, or anything connected therewith, within or without the limits of said city, and to prevent the pollution of the water in the river, by prohibiting the throwing of filth or offensive matter therein above the said water works, within one mile above said water works.

Landings, wharves and docks

VI. To establish, construct and keep in order, alter or remove, landings, wharves and docks, on lands belonging to the city; and to lay and collect a reasonable duty on vessels coming to and using the same, and to regulate the manner of using other wharves and landings within the corporate limits; to prevent or remove

all obstructions in and upon any landings, wharves or docks. They may also appoint port wardens for the port of said city, prescribe their duties, and fix their fees or compensation. Port wardens

VII. To close or extend, widen or narrow, lay out and graduate, pave, and otherwise improve, streets and public alleys in the city, and have them properly lighted and kept in good order; and they shall have over any street or alley in the city, which has been or may be ceded to the city, like authority as over other streets or alleys. They may build bridges in, and culverts under, said streets; and may prevent or remove any structure, obstruction or enroachment over, or under, or in a street or alley, or any sidewalk thereof, and may have shade trees planted along the said streets; and no company shall occupy with its works the streets of the city, without the consent of the council. In the meantime, no order shall be made and no injunction shall be awarded, by any court or judge, to stay the proceedings of the city in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants, are transcending the authority given them by this act, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages. Streets and public alleys. Bridges and culverts. Shade trees. Occupation of streets. No injunction against city, except when

VIII. To prevent the cumbering of streets, avenues, walks, public squares, lanes, alleys, or bridges, in any manner whatever. Cumbering of streets, &c.

IX. To authorize the laying down of city railway tracks, and the running of horse cars thereon, in the streets of the city, under such regulations as they may prescribe. City railways

X. To determine and designate the route and grade of any railroad to be laid in said city, and to restrain and regulate the rate of speed of locomotives, engines, and cars upon the railroads within the said city, and may wholly exclude the said engines or cars, if they please: provided, no contract be thereby violated. Route & grade of railroad, locomotives &c.

XI. To regulate and prescribe the breadth of tires upon the wheels of wagons, carts, and vehicles of heavy draught used upon the streets of said city: provided, however, that this section shall not apply to vehicles coming into and not owned in said city. Breadth of wagon tires, &c.

Gauging and inspection of liquors, &c. Weighing hay, &c.

XII. To require spirituous liquors, wine, oil, molasses, vinegar, and spirits of turpentine, in casks, to be guaged and inspected; and may make such provision for the weighing of hay, fodder, oats, shucks, or other long forage, as will not be in conflict with the act passed the twenty-second of March, eighteen hundred and forty-seven, to prevent the authorities of said city from laying and collecting a tax on the bales of hay sent by the farmers of the State to said city. They may also provide for measuring corn, oats, grain, coal, stone, wood, lumber, boards, potatoes, and other articles for sale or barter.

Measuring grain, &c.

Sealing weights and measures

XIII. To require every merchant, retailer, trader, and dealer in merchandise, or property of any description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection; and may impose penalties for any violation of any such ordinance.

Military companies, agricultural and mechanical societies, &c.

XIV. To grant aid to military companies and regiments organized within the city; to societies or associations for the advancement of agriculture and the mechanic arts; to scientific, literary and benevolent societies: provided, such societies or associations are located in or near the city, or in the case of agricultural societies, shall hold their fairs in or near the city; and to provide or aid in support of public libraries and public schools.

Contagious diseases, hospitals and board of health

XV. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect, and regulate hospitals; to provide for and force the removal of patients to said hospitals; for the appointment and organization of a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties.

Burial grounds

XVI. To provide, in or near the city, lands to be appropriated, improved, and kept in order, as places for the interment of the dead, and may charge for the use of ground in said places of interment, and may regulate the same; may prevent the burial of dead in the city, except in the public burial grounds; may regulate burials in said grounds, and may require the keeping and return of bills of mortality by the keepers or owners of all cemeteries.

Quarantine

XVII. To establish a quarantine ground for the city; but if said ground shall extend below the eastern boun-

dary of the city on the river, the assent of the county court of Henrico shall be first obtained.

Abatement of nuisances

XVIII. To require and compel the abatement and removal of all nuisances within said city, at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be; to prevent or regulate slaughter-houses and soap and candle factories within said city, or the exercise of any dangerous, offensive, or unhealthy business, trade, or employment therein, and to regulate the transportation of coal and other articles through the streets of the city.

Slaughter houses, soap and candle factories

Stagnant water, filth, &c., how removed

XIX. If any ground in the said city shall be subject to be covered by stagnant water, or if the owner or owners, occupier or occupiers thereof, shall permit any offensive or unwholesome substance to remain or accumulate therein, the council may cause such ground to be filled up, raised, or drained, or may cause such substances to be covered or to be removed therefrom, and may collect the expense of so doing from the said owner or owners, occupier or occupiers, or any of them, by distress and sale, in the same manner in which taxes, levied upon real estate for the benefit of said city, are authorized to be collected: provided, that reasonable notice shall be first given to the said owners or their agents. In case of non-resident owners, who have no agent in said city, such notice may be given by publication for not less than four weeks in any newspaper printed in said city.

Notice to owner

Powder magazines, &c.

XX. To direct the location of all buildings for storing gunpowder or other combustible substances, and to regulate the sale and use of gunpowder, fire-crackers or fire-works manufactured or prepared therefrom, kerosene oil, nitro-glycerine, camphine, burning fluid, or other combustible material; to regulate the exhibition of fire-works, the discharge of fire-arms, the use of candles and lights in barns, stables and other buildings, and to restrain the making of bonfires in streets and yards.

Fireworks, &c.

Hogs, dogs, &c.

XXI. To prevent hogs, dogs, and other animals from running at large in the city, and may subject the same to such confiscations, regulations, and taxes, as they may deem proper; and the council may prohibit the raising or keeping of hogs in the city.

Fast driving, flying kites, abuse of animals, &c.

XXII. To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing stones, or the engaging in any employment or sports in the streets or public alleys, dangerous or annoying to passengers, and to prohibit and punish the abuse of animals.

Drunkards, vagrants, &c.

XXIII. To restrain and punish drunkards, vagrants, mendicants, and street beggars.

Prevention of vice and immorality, gaming houses, &c.

XXIV. To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame and gaming houses; to prevent lewd, indecent, and disorderly conduct or exhibitions in the city, and to expel therefrom persons guilty of such conduct who shall not have resided therein as much as one year.

Vending liquors without license, &c.

XXV. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, to be drunk in any canal boat, store, or other place not duly licensed; and to forbid the selling, or given to be drunk, any intoxicating liquors to any child or young person without the consent of his or her parents or guardian; and for any violation of any such ordinance, may impose fines in addition to those prescribed by the laws of the State.

Prevention of improper person coming into the city, &c.

XXVI. To prevent the coming into the city, from beyond the limits of the State, of persons having no ostensible means of support, or of persons who may be dangerous to the peace and safety of the city; and for this purpose may require any railroad company, or the captain or master of any vessel bringing such passengers to Richmond, to enter into bond, with satisfactory security, that such persons shall not become chargeable to the city for one year, or may compel such company, captain, or master to take them back from whence they came, and compel the persons to leave the city if they have not been in the city more than thirty days before the order is given.

Power of council to prescribe penalties and imprisonment

20. Where, by the provisions of this act, the city council have authority to pass ordinances on any subject, they may prescribe any penalty, not exceeding five hundred dollars (except where a penalty is herein otherwise provided for), for a violation thereof, and may provide that the offender, on failing to pay the penalty

recovered, shall be imprisoned in the jail of said city for any term not exceeding three calendar months; which penalties may be prosecuted and recovered, with costs, in the name of the city of Richmond. And the city council may subject the parent or guardian of any minor, or the master or mistress of any apprentice, to any such penalty for any such offence committed by such minor or apprentice.

Publication of ordinances

21. No ordinance hereafter passed by the city council, for the violation of which any penalty is imposed, shall take effect until the same shall have been published for five days successively in two of the daily newspapers of said city, to be designated by the said council. A record or entry made by the clerk of said city, or a copy of such record or entry, duly certified by him, shall be prima facie evidence of the time of such first publication; and all laws, regulations, and ordinances of the city council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board in which it shall be necessary to refer thereto, either from a copy thereof certified by the clerk of said city, or from the volume of ordinances printed by the authority of the city council.

How used as evidence

Private property, how taken for public purpose

22. The council shall not take or use any private property for streets or other public purpose without making to the owner or owners thereof just compensation for the same. But in all cases where the said city cannot by agreement obtain title to the ground necessary for such purposes, it shall be lawful for the said city to apply to and obtain from the circuit or county court of the county in which the land shall be situated, or to the proper court of the city having jurisdiction of such matters, if the subject lies within this city, for authority to condemn the same; which shall be applied for and proceeded with as provided by law.

Where building or fence encroaches upon street, how removed

Penalty

23. In every case where a street in said city has been or shall be encroached upon by any fence, building, or otherwise, the city council may require the owner or owners, if known, and if unknown, the occupant or occupants of the premises so encroaching, to remove the same. If such removal shall not be made within the time ordered by the council, they may impose a penalty of five dollars for each and every day that it is allowed to continue thereafter, and may cause the en-

croachment to be removed, and collect from the owner all reasonable charges therefor, with costs, by the same processes that they are hereinafter empowered to collect taxes. No encroachment upon any street, however long continued, shall constitute an adverse possession to, or confer any rights upon, the person claiming thereunder, as against said city.

No length of encroachment to give adverse possession

24. Whenever any street, alley, or lane shall have been opened to and used as such by the public for the period of five years, the same shall thereby become a street, alley, or lane for all purposes, and the city shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, alleys, and lanes laid out by it. And any street or alley reserved in the division or sub-division into lots of any portion of the territory within the corporate limits of the city, by a plat or plan of record, shall be deemed and held to be dedicating to the public use; and the council shall have authority, upon the petition of any person interested therein, to open such street or alley, or any portion of the same. No agreement between, or release of interest by, the persons owning the lands immediately contiguous to any such alley or street, whether the same has been opened and used by the public or not, shall avail or operate to abolish said alley or street as to divest the interest of the public therein, or the authority of the council over the same.

Five years public use of street, &c. to vest right of city therein

Street or alley reserved in recorded plat deemed to be public

No agreement between contiguous owners to divest public use

25. Whenever any new street shall be laid out, a street graded or paved, a culvert built, or any other public improvement whatsoever made, the city council may determine what portion, if any, of the expenses thereof ought to be paid from the public treasury, and what portion by the owners of real estate benefited, or may order and direct that the whole expense be assessed upon the owners of real estate benefited thereby.

How expense of new street, &c., to be determined

But no such public improvement shall be made, to be defrayed in whole or in part by a local assessment, until first requested by a petition signed by at least a majority of the owners of property to be assessed for such improvement, or unless at least three-fourths of all the council shall concur in voting any improvement to be expedient, or in determining to make the same after allegations have been heard; in which case, no petition

When public improvement to be made by local assessment

or request shall be necessary. The council shall have the same powers to collect such local assessments for improvements as are hereinafter vested in them for the collection of taxes. Collection of local assessment

26. The city council shall grant and pay to all city officers, clerks, and assistants, elected or appointed under or in pursuance of this act, such salaries or compensation as the said city council may from time to time deem proper, or shall be fixed by this or any other act of assembly hereafter enacted. Salaries of city officers

27. If any person, having been an officer of said city, shall not, within ten days after he shall have vacated or been removed from office, and upon notification and request of the city clerk, or within such time thereafter as the city council shall allow, deliver over to his successor in office all the property, books, and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs. And all books, records, and documents used in any such office by virtue of any provision of this act, or of any ordinance or order of the city council, or any superior officer of said city, shall be deemed the property of said city and appertain to said office, and the chief officer thereof shall be responsible therefor. Penalty for failure of former officer to deliver to his successor all public property, &c., under his charge, &c.

CHAPTER IV.

CITY OFFICERS.

28. There shall be one auditor, one city treasurer, one collector of city taxes, one commissioner of the revenue, one city attorney, one city engineer, one city clerk, and such clerks and assistants as the city council may see fit, by ordinance, to prescribe and furnish. City Officers.

29. The council may appoint such officers and clerks as they may deem proper, in addition to those herein provided for, and define their powers and prescribe their duties and compensation, and may take from any of the officers, and so forth, appointed, bonds, with sureties, in such penalties as to the council may seem fit, payable to the city by its corporate name, with condition for the faithful performance of said duties. All officers appointed by the council may be removed from Additional officers and clerks

Removals by council

Elections to fill vacancies

office at its pleasure. In case of vacancies occurring in any municipal office, when it is not herein otherwise provided, the city council shall elect a qualified person to fill such office during the unexpired term.

Liabilities of such officers, their securities, &c., on their official bonds

Jurisdiction over same

30. The parties to bonds taken in pursuance of the preceding section, their heirs, devisees, executors and administrators, shall be subject to the same proceedings on the said bonds for enforcing the conditions and terms thereof, by motion or otherwise, before the circuit court of the city of Richmond, or any other courts held in the city which may succeed to the civil common law jurisdiction of said court, that collectors of the county levy and their securities are or shall be subject to, on their bonds, for enforcing payment of the county levies.

City auditor, his term

31. The city auditor shall be elected by the qualified voters of the city of Richmond. He shall hold his office for the term of two years, and until his successor be elected and qualify, unless sooner removed. He shall hold his office in such place as may be designated and

Penalty of bond

prescribed by the city council. He shall give bond, with sureties, to the amount of not less than thirty thousand dollars, which shall be determined by the city council, before he enters upon the duties of his office; said bond to be approved by the said city council, entered on their record, and filed in the office of the city

What books and accounts he shall keep

clerk. The said auditor shall open and keep, in a neat and methodical manner, a complete set of books, under the direction of the city council, wherein shall be stated, among other things, the appropriations of the year for each distinct object and branch of expenditure, and also the receipts from each and every source of revenue, so far as he can ascertain the same. Said books, and all papers, vouchers, contracts, bonds, receipts, and other things, kept in said office, shall be subject to the examination of the mayor, the members of the city council, or any committee or committees thereof.

Charge of auditor over city revenue officers

32. The said auditor shall be charged with and exercise a general supervision over all the officers of the city charged in any manner with the receipt, collection, or disbursement of the city revenues, and the collection

Custody of city deeds, contracts, &c.

and return of such revenues into the city treasury. He shall have charge of all deeds, mortgages, contracts, judgments, notes, bonds, debts, choses in action, belong-

ing to the said city, except such as are confided to the custody of the city clerk, and such other papers as may be committed to his care by the city council, by ordinance or otherwise.

He shall audit all claims against the city, &c.

33. The said auditor shall have power to examine all accounts, claims and demands for or against the said city; and no money shall be drawn from the treasury or paid by the city to any person, except as herein otherwise provided, unless that balance due or payable be first settled and adjusted by the said auditor; and for the purpose of ascertaining the true state of any balance or balances so due, he shall have, and is hereby clothed with, full power and authority to administer an oath or oaths to the claimant or claimants, or any other person or persons, whom he may think proper to examine as to any fact, matter, or thing concerning the correctness of any account, claim, or demand presented; and the person so sworn shall, if he swear falsely, be guilty of wilful and corrupt perjury, and be subject to punishment by imprisonment in the penitentiary for not less than one nor more than five years.

He may administer oaths

How money found due by auditor paid

34. All money found to be due and payable by the said auditor to any person, shall be drawn by said auditor by warrant on the treasurer, stating the particular fund or appropriation to which the same is chargeable and the person to whom payable; and no money shall be drawn from the treasury except on the warrant of the auditor, as aforesaid. But the auditor is forbidden to issue his warrant for the payment of any money in excess of the appropriation on account of which said money is drawn.

No warrant to be issued in excess of appropriation

Revenue officers, how charged

35. It shall be the duty of said auditor, as nearly as may be, to charge all officers in the receipt of revenues or moneys of the city, with the whole amount, from time to time, of such receipts; he shall also require of all officers in receipt of city moneys that they shall submit reports thereof, with vouchers and receipts of payment therefor into the city treasury, weekly or monthly, or as often as he shall see fit to require the same by any regulation which he may adopt; and if any such officer shall neglect to make an adjustment of his accounts, when required as aforesaid, and to pay over such moneys so received, it shall then be the duty of said auditor to issue notice in writing, directed to such officer and his

Reports to auditor, how often

Notice to delinquent officer

securities, requiring him or them, within ten days, to make settlement of his said account with the auditor, and to pay over the balance of moneys found to be due and in his hands belonging to the said city, according to the books of said auditor; and in case of the refusal or neglect of such officer to adjust his said accounts or pay over said balance to the treasurer as required, it shall then be the duty of said auditor to make report of the delinquency of such officer to the mayor, who shall at once suspend him from office, proceed forthwith to institute the necessary proceedings for the removal of such officer from office, and immediately on his removal, institute suit in the name of said city against him and his securities to recover the balance of moneys so found to be due and in his hands belonging to said city.

Delinquency reported to mayor, who has power to suspend, &c.

Auditor's annual statement

36. The auditor shall make out an annual statement, as soon as possible after the end of each fiscal year, giving a full and detailed statement of all the receipts and expenditures during the said year. The said statement shall also detail the liabilities and expenditures during the year, the liabilities and resources of said city, the condition of all unexpended appropriations and contracts unfulfilled, the balances of money then remaining in the treasury, with all sums due and outstanding, the names of all persons who may have become defaulters to the city, and the amounts in their hands unaccounted for, and all other things necessary to exhibit the true financial condition of the city.

Annual estimates to council

Auditor may require heads of departments to make statements to him

37. The auditor shall annually submit to the city council, at their first stated meeting after the beginning of the fiscal year, a report of the estimates necessary, as nearly as may be, to defray the expenses of the city government during the current fiscal year. He shall in said report class the different objects and branches of said city expenditure, giving, as nearly as may be, the amount required for each; and for this purpose he is authorized to require of all city officers and heads of departments their statements of the condition and expense of their respective departments and offices, with any proposed improvement, and the probable enpense thereof, of contracts already made and unfinished, and the amount of unexpended appropriations of the preceding year.

What auditor's report shall show

He shall also in such report show the aggregate income of the preceding fiscal year, from all sources; the

amount of liabilities outstanding upon which interest is to be paid, and of bonds and city debts payable during the year, when due and where payable, so that the city council may fully understand the money exigencies and demands of the city for the current year.

Auditor's monthly statement

38. In addition to the other duties of the said auditor, it is hereby made his duty, on the last day of each and every month, to make out a monthly statement, giving a full and detailed account of all moneys received, from what sources and on what account received, and of all moneys ordered to be paid or drawn for by warrant by him, and on what account the same have been paid ; and shall deliver said statement to the said city council at their next meeting, to be filed, after the adjournment of said council, by the city clerk with the papers belonging to his office.

City treasurer

39. There shall be elected by the qualified voters of the city of Richmond, in the same manner as is provided hereinbefore for the election of mayor of said city, at the first charter election, and every three years thereafter, one city treasurer, who shall hold his office for the term of three years, and until his successor be elected and qualified, unless sooner removed from office.

His bond

He shall give bond, with sureties, to the amount of not less than one hundred thousand dollars ; said bond to be approved by the city council, entered on their records, and filed in the city clerk's office.

His duties

40. The said treasurer shall receive all moneys belonging to the city, and shall keep his office in some place designated by the council. He shall keep his books and accounts in such manner as the city council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and any member of the city council, or any committee or committees thereof.

How money paid out

41. No money shall be paid out by the treasurer except upon the warrant of the auditor, issued as herein-before provided, and he shall keep a separate account of each fund or appropriation, and the debits or credits belonging thereto.

How money paid to treasurer

42. All moneys to be paid into the treasury of the city, except the bills for gas and water, and such other assessments as the city council may so ordain, shall be paid by the person liable to pay the same, or his

agent, to the treasurer, in the following manner: a warrant shall first be obtained from the auditor, directing the treasurer to receive the sum to be paid, specifying on what accounnt the payment is to be made. Upon the payment of the money to the treasurer, he shall give a receipt for the same, which shall be carried to the auditor, and his receipt therefor shall be the acquittance of the party making the payment. Bills for gas and water, and such other assessments as the city council may so ordain, shall be paid directly to the treasurer, who shall keep an account thereof, and make daily reports of such receipts to the auditor.

Gas and water bills

Treasurer's monthly account

43. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the auditor, showing the state of treasury at the date of such account, and the balance of moneys in the treasury. He shall also, if required so to do by the auditor, accompany such account with a statement of all moneys received into the treasury, and on what account, with a list of all warrants redeemed and paid by him during the month.

Treasurer's annual report to council

Register of warrants

44. The treasurer shall also report to the city council, at the end of each fiscal year, and oftener if required, a full and detailed account of all receipts and expenditures during the preceding fiscal year, and the state of the treasury. He shall also keep a register of all warrants, their date, amount, number, the fund from which paid, and the person to whom paid, specifying also the time of payment; and all such warrants shall be examined, at the time of making such annual report to the city council, by a committee thereof, who shall examine and compare the same with the books of the auditor, and report discrepancies, if any, to the city council.

Special funds

45. All moneys received on any special assessment, shall be held by the treasurer as a special fund, to be applied to the payment for which the assessment was made; and said money shall be used for no other purpose whatsoever.

Where funds kept

46. The treasurer may be required to keep all moneys in his hands, belonging to the city, in such place or places of deposit as the city council may, by ordinance, provide, order, establish, or direct. Such moneys shall be kept distinct and separate from his own moneys;

and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money, or warrants in his custody and keeping, for his own use and benefit, or that of any person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office. In case of his removal, the city council shall elect a qualified person to fill said office until the next general election which may be held in the city, when the qualified voters of said city shall, as in other cases, fill such vacancy by an election of a successor, who shall hold his office for the remainder, if any, of the unexpired term of the officer removed.

Penalty for personal use

If removed, vacancy filled by council till election

47. There shall be elected by the qualified voters of the city of Richmond, one collector of the city taxes, who shall hold his office for the period of two years, and until his successor shall be elected and qualify, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than fifty thousand dollars; said bond to be approved by the city council, entered on their records, and filed in the office of the city clerk.

Collector of city taxes; term of office

Penalty of bond, &c.

48. Said collector shall collect all taxes and assessments which may be levied by said city, and perform such other duties as may be herein prescribed or ordained by the city council. He shall keep his office in such place as may be designated and prescribed by the city council, and shall keep in his said office, besides his collection and revenue warrants, such other books, vouchers, records, and accounts, as the city council may direct and prescribe, all of which shall be subject to the inspection and examination of the mayor, the members of the city council, or any committee or committees thereof.

His duties, &c.

His books, &c. to be inspected by mayor

49. The said collector shall make report in writing, under oath, to the auditor, weekly, or oftener if required, the amount of all moneys collected by him, and shall pay the same into the city treasury in the manner hereinbefore provided. At the end of each fiscal year he shall submit to the city council a statement of all moneys by him collected during the year, and the particular warrant, assessment, or account upon which collected, and the balance of moneys uncollected on the warrants in his hands or returned to the auditor, and a

Collector's weekly report to auditor

His annual report to council

copy of such statement shall also be filed with the auditor of said city.

Money not to be kept in his hands; penalty therefor

50. The said collector is expressly prohibited from keeping the money of the city in his hands, or in the hands of any person or corporation, to his use, beyond the time prescribed for the payment of the same into the city treasury, and any violation of this provision shall subject him to immediate removal from office.

Collector to sell real estate for non-payment of taxes

51. It shall be the duty of said collector to conduct all the proceedings and render all the service necessary to perfect the sale and transfer of real estate in said city, where the same shall be sold or advertised for sale for the non-payment of any tax or assessment imposed by the city council, as hereinafter provided.

Collector's deputies

52. The said collector may, with the consent of the city council, appoint a deputy or deputies, who may be removed from office by the said collector, by the mayor, or by the city council. During the continuance in office of the said collector, a deputy of his may discharge any of the duties of the office of collector; but the collector and his sureties shall be liable therefor.

Penalty for collector's selling land for which he has received taxes

53. If the said collector shall receive any money for taxes or assessments, giving a receipt therefor, for any land or parcel of land, and afterwards sell the same, at any sale for taxes or assessments, for the tax or assessment which has been so paid and receipted for by himself or his deputy, he and his sureties shall be liable to the holder of the certificate given to the purchaser at the sale for double the amount on the face of the certificate, to be demanded within three years from the date of sale, and recovered in any court having jurisdiction of the amount; and the city shall in no case be liable to the holder of such certificate.

Commissioner of revenue

54. There shall be elected by the qualified voters of the city of Richmond, one commissioner of the revenue, who shall hold his office for the period of two years, and until his successor shall be elected and qualify, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than five thousand dollars; said bond to be approved by the city council, entered on their record, and filed in the office of the city clerk. In case a vacancy shall occur in the office of commissioner of the revenue, the city council shall elect a qualified person to fill said office until the next gene-

His bond, where filed

Vacancy, how filled

ral election which may be held in the city, when the vacancy shall be filled by election for the unexpired term.

His duties

55. The said commissioner of the revenue shall perform all the duties in relation to the assessment of property for the purpose of levying the city taxes that may be ordered by the city council. He shall keep his office in such place as may be designated and prescribed by the city council, and shall keep therein such books, schedules, and records, and in such manner as the mayor and city council may direct and prescribe; which books, records, and other papers shall be subject to the inspection and examination of the mayor, the members of the city council, or any committee or committees thereof, and of the collector of city taxes.

Clerks of Richmond and Henrico courts to deliver to him list of deeds, &c.

56. To aid the commissioner of the revenue in his duties, the clerks of the several courts of the city of Richmond and of the county of Henrico shall, as required respectively, deliver to him such lists as are mentioned in the seventh and eighth sections of the thirty-fifth chapter of the Code of Virginia of eighteen hundred and sixty, as far as may relate to lands in said city.

Commissioner's schedule

57. As soon as said commissioner of the revenue shall have ascertained the value of all the real and personal property taxable in said city, he shall make complete schedules of the same, and leave them in his office open to the inspection and examination of all persons interested therein; and he shall give notice by six days' publication in two of the daily newspapers of said city of the time and place, when and where such inspection and examination may be made. Said schedules shall be kept open for the period of ten days from the time of the first publication of such notice, so that any person feeling aggrieved by the assessment of his or her property, may appear and make his or her objection. The said commissioner of the revenue shall hear and consider all objections which may be made, and shall have power to alter, add to, take from, and otherwise correct and revise his assessment; and he shall have power to examine any person on oath as to the value of his personal property, and also to examine under oath such other persons as witnesses in relation thereto as he may deem proper, and for that purpose may administer oaths

How inspection of schedule had

How long schedule kept open

Commissioner's power as to schedule

and issue process to compel the attendance of witnesses before him. Any person feeling aggrieved at the decision of the said commissioner of the revenue may appeal to the city council, whose decision shall be final. Any person who shall refuse to make under oath a full disclosure of all the facts necessary to enable said commissioner of the revenue to make a fair and just assessment of his personal taxable property, when duly called upon by said commissioner of the revenue so to do, or to answer such questions as may be put to him in relation thereto, shall be assessed a gross sum, in the judgment of the commissioner of the revenue, double the correct assessment of his personal taxable property.

Party aggrieved may appeal to council

Penalty for failure to give commissioner information

Commissioner's assistants

58. The said commissioner of the revenue may, with the consent of the city council, appoint an assistant or assistants, who may be removed from office by the said commissioner, by the mayor, or by the city council. During the continuance in office of the said commissioner, an assistant of his may discharge any of the duties of the office of commissioner; but the commissioner and his sureties shall be liable therefor.

City attorney

His term, compensation, duties, &c.

59. The city council shall appoint a suitable and proper person, who shall be the attorney and counsel for the corporation, who shall hold his office for the term of two years, unless sooner removed, and until his successor shall be appointed and qualify. He shall receive such compensation as the council may determine, to be paid by the city. Said attorney shall have the management, charge, and control of all the law business of the corporation and the departments thereof, and of all the law business in which the city shall be interested; shall draw all leases, deeds, and legal papers for the same, and be the legal adviser of the mayor, city council, or any committee thereof, and of the several departments of said corporation; and when required, shall furnish written opinions upon any subjects involving questions of law submitted to him by them. He shall appear as counsel for the said corporation in any civil case in which it is interested, depending in any court in the city of Richmond; and when the constitutionality or validity of any ordinance is brought in issue in any penal prosecution, or when the mayor shall direct a prosecution for a nuisance, he shall appear for the prosecution when the case shall come into court. He shall perform

such other duties as are or may be required of him for the city by any ordinance or resolution of the city council.

60. He shall have power and authority, from time to time, during his continuance in office, with the consent of the mayor, to authorize an attorney or other person to appear for him in his name and on behalf of said corporation, and conduct and defend suits and proceedings in all courts and places. May authorize another to appear for him

61. Said attorney for the corporation shall keep his office in such place as the city council may direct, and shall keep therein a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in such causes; and said docket shall at all times be open to the inspection of the mayor, the members of the city council, and the city auditor. His office and docket

62. There shall be appointed by the city council one engineer for the city, who shall hold his office for the period of two years, and until his successor shall be appointed and qualify, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than five thousand dollars, said bond to be approved by the city council and filed in the office of the city clerk. Engineer of city; his term, bond, &c.

63. The said engineer shall have such assistants and clerks as the city council may allow and approve; but such assistants or clerks may be removed at any time by the mayor or by the city council. His assistants and clerks

64. The said engineer shall be the general superintendent of the streets, culverts, public buildings, and all public improvements. He shall make such surveys, reports, drawings, plans, specifications and estimates as the city council may require of him, and do, in relation thereto, whatever else it may direct. All surveys or other acts, which shall be made or done by said engineer, shall be as valid and effectual as if the same were done by a surveyor of a county. He shall keep his office in such place as the city council may direct, and shall keep therein all maps, drawings and papers pertaining to his office. He shall keep a record of all his proceedings, and a set of books, in which shall be entered, under appropriate heads, the receipts and expenditures of his department; and all the books and papers of his office His duties

His surveys valid

His office, records, &c.

shall be open at all times to the inspection of the mayor, to the members of the city council, or to any committee or committees thereof.

City clerk

65. There shall be one city clerk appointed by the city council, who shall hold his office for the period of two years, and until his successor shall be appointed and qualified, unless sooner removed from office by the city council.

His duties

66. The said clerk shall attend the meetings of the city council, and keep a record of its proceedings. He shall have the custody of the corporate seal. He shall keep all papers that, by the provisions of this act or by the direction of the city council, are required to be filed with or kept by him. It shall also be his duty, immediately after the close of each session of the city council, to make and present to the mayor a transcript of every ordinance, resolution, and order concerning any public improvement, or for the payment of money, and every ordinance, resolution, order, and act of a legislative character, passed by the city council at such session. He shall, in like manner, transmit to the auditor a transcript of all ordinances, resolutions or orders appropriating money, or authorizing the payment of money, the issue of bonds or notes; and to the heads of all departments of the city government all ordinances, resolutions or orders relating to their departments. He shall, in like manner, give notice to parties presenting communications or petitions to the city council of the final action of the council on such communication or petitions. He shall publish such reports and ordinances as the city council are required by this act to publish, and such other reports and ordinances as they may direct, and shall, in general, perform such other acts and duties as the city council may from time to time require of him.

Transcript of ordinances, &c. to mayor

To auditor

He shall inform parties interested of final action of council

He shall publish reports and ordinances

CHAPTER V.

FINANCES.

City council may contract loans redeemable within thirty-four years

Proviso

67. The city council may, in the name and for the use of the city, contract loans, or cause to be issued certificates of debt or bonds; but such loans, certificates, or bonds shall not be irredeemable for a period greater than thirty-four years: provided, however, that they shall not contract such loans or issue such certificates

of debt or bonds for the purpose of subscribing to the stock of any company incorporated for a work of internal improvement or other purposes, without first being authorized so to do by three-fourths of the legal voters of the city voting on the question, and the council shall, when such debt or loan is created, provide a sinking fund for the payment of the same. Neither shall the city endorse the bonds of any such company without the same authority.

Sinking fund; how provided

68. There shall be set apart, annually, from the accruing revenues of the city, a sum not less than one per centum of the city debt existing at the commencement of this act. The fund thus set apart shall be called the sinking fund; and shall be applied to the payment or purchase of the principal of the city debt. If no part be redeemable, then the residue of the sinking fund shall be invested in the bonds or certificates of debt of the city, and applied to the payment of the city debt as it shall become redeemable. Whenever hereafter there shall be contracted by the city any debt not payable within the next twelve months, there shall be set apart annually, for thirty-four years, or until the debt is paid, a sum exceeding by one per centum the aggregate amount of the annual interest agreed to be paid thereon at the time of its contraction, which sum shall be applied and invested towards the payment of such debt in the same manner as hereinbefore provided for the present existing debt of the city.

Taxation

69. For the execution of its powers and duties, the city council may raise annually, by taxes and assessments in said city, such sums of money as they shall deem necessary to defray the expenses of the same, and in such manner as they shall deem expedient, in accordance with the laws of this State and the United States: provided, however, that they shall impose no tax on the bonds of said city, nor on any capital invested in real estate or employed in manufacture outside the city limits, although the person or persons engaged in said business or manufacture have a place of business in said city. Neither shall they impose any tax at the same time upon the stock of a corporation and upon the dividends thereon; nor upon any capital, interest, income, or dividends when a licence or other tax is imposed upon the business in which the capital is employed, or

Proviso

Things not to be taxed

upon the principal money, credit, or stock from which the interest, income, or dividend is derived. Said taxes shall be equal and uniform upon all property, both real and personal. The capital invested in all business operations shall be assessed and taxed as other property. Assessments upon all stock shall be according to the market value thereof.

Taxes to be equal and uniform

Stock assessed at market value

Licenses

70. The city council may grant or refuse licenses, and may require taxes to be paid on such licenses, to agents of insurance companies whose principal office is not located in said city; to auctioneers; to public, theatrical, or other performances or shows; to keepers of billiard tables, ten-pin alleys, and pistol galleries; to hawkers and peddlers in the city, or persons to sell goods by sample therein; to agents for the sale or renting of real estate; to commission merchants, and all other business which cannot be reached by the ad valorem system under the preceding section. They may also grant or refuse such license to all sellers of wine or spirituous or fermented liquors, and require taxes to be paid on such license, in addition to other taxes imposed.

Licenses on liquors

Taxes on wagons, &c.

71. The council may grant or refuse licenses to owners or keepers of wagons, drays, carts, hacks, and other wheeled carriages kept or employed in the city for hire, and may require the owners or keepers of wagons, drays and carts, using them in the city, to take out a license therefor, and may require taxes to be paid thereon, and subject the same to such regulations as they may deem proper, and prescribe their fees and compensation.

Council may vest in collector powers of sheriff to collect taxes

May prescribe his mode of proceeding, and proceeding against him

72. The council may vest in the collector of the city taxes, and of assessments for the use of water, gas, or other purposes, any or all of the powers which are now or may hereafter be vested in a sheriff as collector of the state taxes; may prescribe the mode of his proceeding, and the mode of proceeding against him for the failure to perform his duties.

All goods, &c., liable for taxes; trust or mortgage no bar while goods remain in hands of grantor, or otherwise

73. All goods and chattels, wheresoever found, may be distrained and sold for taxes assessed and due thereon; and no deed-of-trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed while such goods and chattels remain in the gran-

tor's possession; nor shall any such deed prevent the goods and chattels conveyed from being distrained and sold for taxes assessed thereon, no matter in whose possession they may be found.

Where tenant or fiduciary pays taxes

74. Any payment of taxes made by the tenant, unless under an express contract contained in his lease, shall be a credit against the person to whom he owes the rent, and where any tax is paid by a fiduciary on the interest of profit of moneys of an estate invested under an order of court or otherwise, the tax shall be refunded out of such estate.

Lien on real estate for taxes

How delinquent land sold

75. There shall be a lien on real estate for the city taxes as assessed thereon from the commencement of the year for which they were assessed. The city council may require real estate in the city, delinquent for the non-payment of taxes, to be sold for said taxes, with interest thereon at the rate of twelve per centum per annum, and such per centum as they may prescribe for charges. Such real estate shall be sold, and may be redeemed under the provisions hereinafter made.

Notice of such sale

76. The collector of city taxes shall, under the direction of the city council, cause a notice of the time and place of such sale to be published, in all the daily newspapers published in said city, at least ten days previous to such sale; and he shall also cause to be published in one or more of said daily papers, on some day not more than twenty days nor less than ten days previous to such sale, a list of the several parcels of real estate so to be sold, describing therein each parcel of real estate in the same manner as the same is described in the assessment rolls in which the said tax or assessment is imposed thereon, together with the name of the person to whom each parcel is assessed, and the amount of the tax or assessment thereon.

How such sale made

Certificate of sale

77. If such tax or assessment, and the per centage, interest, and expenses aforesaid, be not paid previous to the day for which said sale was advertised, or on some day immediately thereafter, to which said sale may be adjourned, the collector shall proceed to make sale, accordingly, of the said several parcels of real estate, or so much thereof as may be necessary, to the highest bidder; and the sale may be adjourned from day to day until it shall be completed. On such sale the collector shall execute to the purchaser a certificate of sale, in

which the property purchased shall be described, and the aggregate amount of tax or assessment, with charges and expenses specified; but the collector shall not for himself, either directly or indirectly, purchase any real estate so sold.

When city may become purchaser

78. If at any such sale no bid shall be made for any such parcel of land, or such bid shall not be equal to the tax or assessment, with interest and charges, then the same shall be struck off to the city. On such sale the collector shall execute to the city a certificate of sale, in which the property purchased shall be described, and the aggregate amount of tax or assessment, with charges and expenses specified, and shall deposit such certificate with the auditor.

How and within what period such estate may be redeemed

79. The owner of any real estate so sold, his heirs or assigns, or any person having a right to charge such real estate for a debt, may redeem the same by paying to the purchaser, his heirs or assigns, within two years from the sale thereof, the amount for which the same was sold, and such additional taxes thereon as may have been paid by the purchaser, his heirs or assigns; or, if purchased by the city, with such additional sums as would have accrued for taxes thereon if the same had not been purchased for the city, with interest on the said purchase money and taxes at the rate of twelve per centum per annum from the time that the same may have heen so paid; or the same may be paid within the said two years to the city treasurer in any case in which the purchaser, his heirs or assigns, may refuse to receive the same, or may not reside or cannot be found in the city of Richmond.

Rights of persons under disability; how saved

80. Any infant, married woman, insane person, or person imprisoned, whose real estate may have been so sold, or his heirs, may redeem the same by paying to the purchaser, his heirs or assigns, within two years after the removal of the disability, the amount for which the same was so sold, with the necessary charges incurred by the purchaser, his heirs or assigns, in obtaining the title under the sale, and such additional taxes on the estate as may have been paid by the purchaser, his heirs or assigns, and the appraised value of any improvement that may have been made thereon, with interest on the said items, at the rate of twelve per centum per annum from the time the same may have been

paid. Upon such payment within two years after the removal of such disability, the purchaser, his heirs or assigns, shall, at the cost of the original owner, his heirs or assigns, convey to him or them, by deed with special warranty, the real estate so sold.

Deed to purchaser of such estate; how executed, and within what time

81. The purchaser of any real estate, sold for taxes and not redeemed, shall, after the expiration of two years from the sale, obtain from the city auditor a deed conveying the same, wherein shall be set forth what appears in his office in relation to the sale. When the purchaser has assigned the benefit of his purchase, the deed may, with his assent, evidenced by his joining therein, or by a writing annexed thereto, be executed to his assignee. If the purchaser shall have died, his heirs or assigns may move the court of hustings of said city to order the auditor to execute a deed to such heirs or assigns.

Deed to assignee or heirs

Effect of such deed, if recorded within sixty days

82. When the purchaser of any real estate, sold for taxes, his heirs or assigns, shall have obtained a deed therefor, and within sixty days from the date of such deed shall have caused the same to be recorded, such estate shall stand vested in the grantee in such deed as was vested in the party assessed with the taxes (on account whereof the sale was made) at the commencement of the year for which the said taxes were assessed, notwithstanding any irregularity in the proceedings under which the said grantee claims title, unless such irregularity appear on the face of the proceedings. And if it be alleged that the taxes, for the non-payment of which the sale was made, were not in arrear, the party making such allegation must establish the truth thereof by proving that the taxes were paid.

Onus probandi

When city becomes purchaser, how it may acquire title

83. In case that any real estate, struck off to the city as hereinbefore provided, shall not be redeemed within the time specified, the city auditor shall, within sixty days after the expiration of two years from the sale, cause to be recorded such certificate of sale, with his oath that the same has not been redeemed, and thereupon the said corporation, or their assignees, shall acquire an absolute title to the same in fee. The said certificate may be acknowledged, or proved, and recorded in the same manner that deeds are recorded, and the said certificate, or the record thereof, or a copy of said record, duly authenticated, shall, in all courts and

Effect of certificate of sale as evidence

places, be presumptive evidence of the facts therein stated and of the regularity and correctness of such sale, and of all proceedings prior thereto.

CHAPTER VI.

POLICE AND FIRE DEPARTMENTS.

Police department, how controlled
Board of police commissioners
How constituted
Quorum
By-laws, &c.

84. The police department of the city of Richmond shall be under the general control and management of police commissioners thereof, who shall consist of the mayor, the president of the city council, and the police justice, and shall constitute a board of police commissioners for said city; of which board the mayor shall be president, and shall have a casting vote. Any two of said commissioners shall form a quorum for the transaction of any business. Said board may adopt rules and by-laws for the government thereof, and also may establish, promulgate, and enforce proper rules, regulations, and orders for the good government and discipline of said police force: provided, that said rules, regulations and orders shall not in any way conflict with any ordinance of the city council, or of the provisions of this act, or the constitution and laws of this State or of the United States.

Meetings of said board

85. The said police commissioners, after taking the oath of office as such commissioners, shall meet at the office of the mayor, or other suitable place, at such time as may be expedient, and as they shall from time to time designate, and on special occasions, as the mayor may, in writing, appoint. They shall perform the duties of said office without any compensation, reward, or salary therefor from said city, except that nothing herein shall in any way conflict with the payment of the salary elsewhere provided to be paid to the said mayor and police justice for their services in their respective offices.

To appoint policemen, officers, &c.

86. It shall be the duty of said police commissioners to select from among the electors of said city, and appoint by warrant of appointment, bearing the signatures of all three of said commissioners, to be immediately filed with the city clerk, so many permanent policemen, officers, and patrolmen as may be authorized by the city council; and said board shall also appoint,

To appoint chief of police, with approval of council

with the approval of the city council, one chief of police, who shall hold office for the term of two years,

through whom said board may promulgate all rules, regulations, and orders to the whole force, and who shall have immediate direction and control of said force, subject, however, at all times, to the rules, regulations, and orders of said board, and to the orders of the mayor: provided, that the orders of such single commissioner do not conflict with the rules, regulations, or orders of said board then in force; and said chief and each policeman of said police force, appointed in manner as aforesaid, may hold his respective office during the term of good behavior, or until said board, by unanimous vote, shall remove him; but in case of misconduct on the part of such chief or any member of said police force, then he may be removed by the decision of a majority of said board, as hereinafter provided, or by the city council. Of removals

87. In times of exigency, said commissioners, or a majority of them, or any one of them, if the others should be absent from the city or unable to act, may appoint temporarily, without authority from the city council, a suitable number of additional policemen for such time as shall appear necessary; not, however, to extend beyond the time of the next meeting of the city council. Additional policemen; how appointed for exigency

88. The mayor, at any time, upon charges being preferred, or upon finding said chief or any other member of said police force guilty of misconduct, shall have power to suspend such member from service until the board of commissioners shall convene and take action in the matter: provided, however, that such member shall not remain so suspended for a longer period than thirty days without an opportunity of being heard in his defence; and upon hearing the proofs in the case, a majority of said commissioners may discharge or restore such member, in accordance with the decision of the majority of such board thereon; and the pay or salary of such member shall cease from the time of suspension to the time of restoration to service, unless otherwise ordered by said board of commissioners in their written decision, which shall be filed with the city clerk; and any violation of the rules, regulations, or orders of the board, or orders of any superior, shall be good cause for dismissal. Power of mayor to suspend any member of police force; how long

Pay during suspension

Salary and pay of police; how determined, &c.

89. The salary or pay of said chief and policemen shall be determined by the city council, and all bills of expense on account of the police department shall be audited by at least two of said commissioners.

Warrant of appointment of police force

90. The said chief of police and every policeman duly appointed as aforesaid, shall have issued to him a warrant of appointment, signed by the president of the board and countersigned by the city clerk, stating the date of his appointment, which shall be his commission ;

Qualification

and he shall take such oath as the city council may ordain, and subscribe the same in a book to be kept for that purpose by the said city clerk.

Powers of police force

91. The said chief of police and policemen shall generally have power to do whatever may be necessary to preserve the good order and peace of said city, and to secure its inhabitants from personal violence and their property from loss and injury. Such number of the said police force as the board of police commissioners may designate shall, in criminal cases, have the same powers and duties, and be subject to the same penalties that are prescribed by law as to constables.

Uniform, badges and arms of force

92. The said board of commissioners may prescribe such uniform and badges for the police force as they may deem proper, and direct in what manner they shall be armed. And if any person other than a policeman shall publicly wear such uniform and badges as may be prescribed as aforesaid, he may be subjected to such fine, not exceeding the sum of one hundred dollars, as the city council may ordain.

Penalty for others than police wearing badges, &c.

Former police to vacate unless reappointed

93. As soon as said commissioners shall have entered upon the discharge of their duties, and appointments of police are made in the manner as herein provided, then all the policemen and the chief of police, who shall be in service previous thereto, shall immediately vacate their offices respectively, unless re-appointed as herein provided.

Fire department; how organized, &c.

94. The city council may organize and maintain a fire department for said city, and appoint a chief engineer and assistants, with any or all of the powers which have been or may be vested by law in such officers. They may also make rules and regulations for the government of the officers and men of said fire department; may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses or

Rules, regulations, pay, &c.

badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercise; shall fix their pay, and may impose reasonable fines for the breach of any such regulations. They may also make such ordinances as they may deem proper to extinguish and prevent fires, prevent property from being stolen, and to compel citizens to render assistance to the fire department in case of need.

Control over erection of wooden buildings, &c.

95. For the purpose of guarding against the calamities of fire, the city council may, from time to time, designate such portions and parts of the said city as it shall think proper within which no buildings of wood shall be erected, and may regulate the manner of construction of all buildings. They may prohibit the erection of wooden buildings in any portion of the city without permission obtained from them, and shall, on the petition of the owner or owners of not less than one-fourth of the ground included in any square of the city, prohibit the erection in such square of any building, or addition to any building, unless the outer walls thereof be made of brick and mortar, or stone and mortar, or some other fire proof material; and may provide for the removal of any such building or addition which shall be erected contrary to such prohibition, at the expense of the builder or owner thereof. And if any building shall have been commenced before said petitions can be acted on by the council, or if a building in progress appears clearly to be unsafe, the council may have such buildings taken down.

Power to remove buildings not fire-proof

Control of chief engineer over buildings on fire, &c.

96. Whenever any building in the said city shall be on fire, it shall be the duty of and be lawful for the chief engineer to order and direct such building, or any other building which he may deem hazardous and likely to communicate fire to other buildings, or any part of such buildings, to be pulled down and destroyed; and no action shall be maintained against any person or against the said city therefor. But any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the city council to assess and pay the damages he has sustained. At the expiration of the three months, if any such application shall have been made in writing, the city council shall either pay the said claimant such sum as shall be agreed upon by them and the said claimant for such

Application for damages for destruction of such buildings; how made, &c.

damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection, and payment of the same in the same manner as is provided for the ascertainment, assessment, collection, and payment of damages sustained by the taking of land for purposes of public improvement.

Commissioners to appraise such damages; their duties

97. The commissioners appointed to appraise and assess the damages incurred by the said claimant, by the pulling down or destruction of such building, or any part thereof, by the direction of the said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down or destroyed, and may report that no damages should equitably be allowed to such claimant. Whenever a report shall be made and finally confirmed, in the said proceedings for appraising and assessing the damages, a compliance with the terms thereof by the city council shall be deemed a full satisfaction of all said damages of the said claimant. But any party feeling aggrieved thereby, may appeal to the circuit court for the city of Richmond, which court, in taking jurisdiction thereof, shall be controlled by the laws regulating assessment of damages to real estate in other cases.

Their report

Appeal to circuit court

CHAPTER VII.

THE JUDICIARY.

Clerks for circuit, hustings and chancery courts; term of office

98. There shall be elected by the qualified voters of said city, at the first charter election, and every six years thereafter, one clerk for the circuit court, one clerk for the hustings court, and one clerk for the chancery court of the city of Richmond, who shall serve for the period of six years, and until their successors be elected and qualify. They shall receive, in compensation for their services, the fees and emoluments allowed by law to clerks of the circuit courts.

Fees, &c.

Commonwealth's attorney

99. There shall be elected at the first charter election, and every two years thereafter, by the qualified voters of said city, one commonwealth's attorney for the circuit court, who shall also prosecute in all cases in the hustings court of the city of Richmond. He shall hold his office for a term of two years, and until his successor

be elected and qualify, unless sooner removed, and shall receive such compensation for his services as may be prescribed by law.

Sheriff; term of office, bond, &c.

100. There shall be elected at the first charter election, and every two years thereafter, by the qualified voters of said city, one sheriff of the city of Richmond, who shall, before entering upon the duties of his office, give bond, with good security, in a penalty of not less than one hundred thousand dollars nor more than three hundred thousand dollars, as shall be required by the judge before whom he shall execute the same, whose powers and duties, liability, responsibility, emoluments, and term of office shall be, so far as not inconsistent with the provisions of this act, the same as now provided by law in respect to the sheriff of the city of Richmond.

Sergeant; term of office

101. There shall be elected at the first charter election, and every two years thereafter, by the qualified voters of said city, one city sergeant, who shall serve for two years, and until his successor be elected and qualify, unless sooner removed. He shall keep his office in such place as the city council may provide and appoint, and shall receive such compensation for his services as the city council shall determine. Before entering upon the duties of his office, the said city sergeant shall give bond and security in such amount as the said city council shall determine; which bond shall be approved by the said council, entered on their records, and filed in the office of the city clerk.

Compensation and bond

His powers and duties

102. The said sergeant shall attend the terms of the court of hustings, and act as the officer thereof. He shall also in all respects, except as to the collection of taxes, have the same powers and authority, and shall perform the duties, and be subject to the same liabilities and penalties, and be proceeded against in the same manner as sheriffs.

High constable; term of office

103. There shall be elected by the qualified voters of the city of Richmond at the first charter election, one high constable for said city, who shall hold his office for the term of two years, and until his successor be appointed and qualify, unless sooner removed from office. Said high constable shall keep his office in such convenient place in the city as may be designated by the city council, and shall receive such compensation for his

Compensation, powers and duties

services as the said council shall determine. He shall in civil cases have the same powers and duties and be subject to the same penalties as are prescribed by law to other constables, and shall perform such duties as the city council may ordain, not in conflict with the provisions of this act, the laws of this State, or the laws of the United States.

His bond

104. Before entering upon the duties of his office, the said high constable shall give bond and security, in such amount as shall be required by the city council, for the faithful discharge of the duties of his office; which bond shall be approved by the said council, entered on their record, and filed in the office of the city clerk. Said high constable may appoint one or more deputies to attend to and execute the duties of his office; but the sureties on the bond of the high constable shall be equally liable for the acts of the deputy or deputies as for those of their principal.

His deputies

Sergeant to attend hustings, and sheriff the circuit and chancery courts

105. The sergeant of the city of Richmond shall be the officer of the hustings court, and the sheriff of the city of Richmond shall be the officer of the circuit court, and also of the chancery court.

Police justice; his appointment, jurisdiction and powers

106. There shall be appointed by the city council one police justice, who shall hold his office for the term of two years, and until his successor shall be elected and qualify, unless sooner removed from office. The police justice shall hold a court daily in said city (Sundays excepted,) in such place as the city council may provide and appoint. The jurisdiction of the court shall extend to all cases arising within the jurisdictional limits of the city, of which a justice of the peace may take cognizance under the laws of the State, and to all cases arising under the charter or ordinances of the city, or where there is a claim against the city or a person therein, if it does not exceed one hundred dollars, exclusive of interest; and the judgment shall be final in all civil cases where the matter in controversy, exclusive of costs, is not more than twenty dollars. He shall have such other powers and jurisdiction as may be conferred upon him by the city council, not in conflict with the constitution and laws of the United States and of the State of Virginia.

His clerks and officers

The city council may provide for the appointment of such clerks and officers for said court of the police jus-

tice, and make such rules for the government of said court, as they may find proper.

If any person who has been duly summoned as a witness to attend and give evidence before the police justice, touching any matter or thing pending before him under the charter or any ordinance of the city, shall fail to attend in obedience to the said summons, he or she may be fined, at the discretion of the said justice, in a sum not exceeding twenty dollars. Fine upon witness for non-attendance

107. There shall be elected by the qualified voters of each ward, three justices of the peace for each ward of the said city, who shall be residents of their respective wards, and shall hold office for the term of two years, and until their successors be elected and qualify, unless sooner removed from office. They shall be designated by the city council as first, second, third, et cætera, justices. The said justices of the peace shall be conservators of the peace within the limits of the corporation of Richmond, and shall have the same powers and duties within said limits as are provided by law in respect to justices of the peace in counties of this State in their respective counties, except that nothing herein contained shall be construed as vesting in said justices any portion of the jurisdiction given by this act to the police justice. Justices of peace; three in each ward, elected for two years. Their designation. Powers and duties

Whenever the police justice shall be absent from the city, or unable, from any cause, to hold his court, the same shall be holden by a justice of the peace, to be designated by the council. And when the said court shall be holden by a justice of the peace six or more days in succession, he shall be entitled to receive therefor the same compensation, pro rata, that may be prescribed as salary to the police justice. Council to designate one to act as police justice in his absence

108. All acts and parts of acts in conflict with this act are hereby repealed. Inconsistent acts repealed

109. This act shall be in force from its passage. Commencement

ORDINANCES

OF THE

CITY OF RICHMOND,

Passed since Last Revision, and not included in the Volume of Ordinances of 1869.

Concerning Dangerous Explosives.

[Passed Dec. 13th, 1869.]

"*Be it ordained*, That no person or persons shall bring into the city, keep for sale, offer for sale or barter torpedoes, or fire crackers of an extra size under any name whatsoever, nor any fire works in which nitro-glycerine forms a constituent part, under a penalty of not less than twenty nor more than one hundred dollars. The chief of police shall have power to determine what size of torpedoes or fire crackers may be offered for sale under this ordinance."

Concerning Markets.

[Passed Dec. 30th, 1869.]

Amends section 26, on page 141, so as to make the returns of the clerk of each market to the auditor *monthly*, instead of *quarterly*, and changes the time limited, within which to make such returns and pay over receipts, from *twenty* to *ten* days.

Concerning Encroachments on Streets.

[Passed January 10th, 1870.]

"Wherever in that portion of the city annexed by act of the Legislature, passed February 13, 1867, houses or porches which have been erected prior to that date, project over or encroach on the public street, a distance not exceeding three feet, the same may be allowed to continue until the first day of January, 1875: provided, however, that all fences within said district shall be put upon the proper street line, whenever their owners shall be notified by the engineer of the city so to do: and provided, also, that all encroachments whatsoever shall be removed on or before the date specified."

Concerning the Police Force of the City.

[Passed January 10, and May 2, 1870.]

Sections 2, 5, 7 and 23, amended, and section 27 added, viz:

2. "The police force shall consist of one officer, who shall be styled the 'chief of police,' three captains, who shall be designated as first, second and third captains, and shall rank in the order of their numbers, beginning at the first, who shall be first in rank; and eighty policemen, from whom there shall be appointed ten sergeants: and the mayor may, when from peculiar circumstances he shall believe it to be necessary, increase the policemen to any extent the public necessities may require; provided he shall report any such increase to the next meeting of the council. The said captains and sergeants of the police shall, in criminal cases, have the same powers, perform the same duties, receive the same fees, and be subject to the same penalties as are prescribed by law for constables; and one of said captains shall reside in each police district."

5. "The chief of police shall daily assign one captain of police and three sergeants to duty in each police district; and he shall distribute the policemen in such proportions as may seem proper among said districts, and he shall make such regulations for a proper system of relief, (other than dividing the police into two portions, one for the day and one for the night,) that at all times during the day-watches one-fourth of the force shall be on duty, and at all times during the night watches, three-fourths of the force shall be on duty. The chief of police shall also divide the force so that one-fourth of the policemen assigned to each district shall be required to sleep at the station houses when off duty, in order to provide for any sudden emergency. The captain of each police district shall have charge of the entire district to which he is assigned, subject to the orders and responsible to the chief of police, and shall be relieved by the sergeant first assigned to said district, whom he shall hold responsible for the command during his absence from duty."

7. "Each captain of the police shall keep a muster roll of the police of his district, and call it at the hours of relief, and shall deliver it to the chief of police; he shall also report in writing to the chief of police any delinquency on the part of any policemen that shall come to his knowledge, and any excuses made by any policemen for absence from duty, or the unfitness of any member for his office, and any charge that may be made against a member. With the assistance of his sergeant he shall keep a book, in which shall be entered all arrests made, the disposal of prisoners, all nuisances reported, ordinances enforced, complaints and applications of citizens, and other police matters, and shall deliver daily with the muster a copy of such entries made during the preceding twenty-four hours."

23. "If any person resist any captain of police or policeman in the discharge of his duty, he shall pay a fine of not

less than ten nor more than twenty dollars. And if any person shall fail or refuse to aid or assist a captain of police or policeman, when called upon so to do by such captain or policeman while in the discharge of his duty, he shall be fined not less than five nor more than twenty dollars."

27. "No person shall be hereafter appointed a member of the police force, who is under twenty-five or over forty-five years of age, or of unsound health and physical condition. A certificate from a competent physician will be considered sufficient evidence of the physical condition of applicants."

Concerning Fire Department.

[Passed 24th January, 1870.]

Strikes out the words "*and colored persons*" from section 6, last line save one, page 179.

Concerning Intrusion of Boys on Railroad Cars, &c.

[Passed February 14, 1870.]

1. "*Be it ordained by the Council of the City of Richmond*, That it shall be unlawful for any minor to climb or get or attempt to climb or get upon any railroad car or machinery, while in motion, within the limits of this city; and the parent or guardian of any minor who shall be convicted of violating this ordinance, shall be fined by the mayor not less than five nor more than twenty dollars.

2. It shall be the special duty of every policeman, who shall, at any time, be in any street where railroad cars shall be in motion, to vigilantly observe them, and to arrest any minor who may violate this ordinance, and promptly report such violation to the mayor, before whom the parent or guar-

dian shall be summoned to appear, and show cause, if he or she can, why he or she should not be fined in accordance with this ordinance."

For Preservation of the Public Peace.

[Passed March 19th, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That twenty or more persons assembled on the streets, alleys or sidewalks, or in or around the market houses, city hall, station houses, or other public buildings, or places in this city, shall be deemed to be an unlawful assemblage, and the mayor may proceed, under the provisions of charter 195 of the Code of Virginia, of 1860, to disperse such unlawful assemblage."

Concerning the Measuring of Lumber.

[Passed May 6th, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That chapter XXXVII of the city ordinances, concerning the measuring of lumber, be and the same is hereby repealed."

Concerning the Levying of Taxes.

[Passed May 11, and amended May 30, 1870, and March 6, 1871.]

Be it ordained by the Council of the City of Richmond, That Chapter XIII of the ordinances of the city is hereby amended and re-ordained to read as follows:

There shall be levied and collected for each fiscal year, upon the persons and subjects embraced in the ordinance, entitled "An ordinance concerning the powers and duties of the Assessor of the City Taxes," the taxes following to wit:

1. On real estate not exempt from taxation, one dollar and twenty-five cents on every hundred dollars' value thereof; and herein shall be included all real estate, not exempt from taxation, of all incorporated joint stock companies, savings institutions and insurance companies.

2. On all personal property one dollar and twenty-five cents on every hundred dollars value thereof; on all moneys and credits, whether in the city or not, one dollar and twenty-five cents on every hundred dollars' value thereof; and herein shall be included all the capital invested or employed in any trade or business, and all capital or stock in any incorporated institution or company, located in or out of the city, not specially taxed and not exempt by law.

3. Commission merchants, brokers, agents, auctioneers, keepers of ordinaries, houses of private entertainment, or private boarding-houses, keepers of eating-houses and cook-shops, and all other business which cannot be reached by the *ad valorem* system, or which shall not be taxed on the capital invested therein, shall be divided into eight classes, and shall pay a license tax, if in the first class, of five hundred dollars; if in the second class, of four hundred dollars; if in the third class, of three hundred dollars; if in the fourth class, of two hundred dollars; if in the fifth class, of one hundred dollars; if in the sixth class, of fifty dollars; if in the seventh class, of twenty-five dollars; if in the eighth class, of ten dollars.

4. Sellers, by wholesale or retail, of wine or spirituous liquors, or a mixture thereof, shall be divided into six classes, and shall pay a license tax, if in the first class, of two hundred dollars; if in the second class, of one hundred and fifty dollars; if in the third class, of one hundred dollars; if in the fourth class, of fifty dollars; if in the fifth class, of twenty-five dollars; if in the sixth class, of ten dollars; and this shall be in addition to any tax he may pay as merchant,

shop-keeper or auctioneer, or upon the capital he may have invested in business or the income derived therefrom; but apothecaries, who only keep wine or spirituous liquors in their stores, and sell the same by retail as medicine, upon the prescription of a physician, shall not be required to pay this tax.

5. Practicing physicians, lawyers, dentists, artists, veterinary surgeons, barbers, bakers, mechanics, carrying on business, and measurers or inspectors of lumber, shall be divided into six classes, and pay a license tax, if in the first class, of one hundred dollars; if in the second class, of fifty dollars; if in the third class, of thirty dollars; if in the fourth class, of twenty dollars; if in the fifth class, of ten dollars; if in the sixth class, of five dollars: provided, however, that instead of such license tax any such persons may be taxed on the capital employed in their business, if the committee on finance so determine.

6. Agents and sub-agents of any insurance company, whose principal office is located in the city, shall, between the first and fifteenth of July, and the first and fifteenth of January of each year, make a return to the auditor of the city, under oath, of the gross amount of premiums received by said company for the past six months, and shall pay to the chamberlain one and a quarter per centum upon the amount thereof.

7. Agents and sub-agents of any insurance company or office, whose principal office is located out of the city, shall be divided into three classes, and shall pay a license tax, if in the first class, of one hundred dollars; if in the second class, of fifty dollars; and if in the third class, of twenty-five dollars. And in addition to the class tax, shall, between the first and fifteenth of July and January of each year, return to the auditor of the city, on oath, the amount of premiums received for the past six months, and shall pay to the cham-

berlain of the city one and a quarter per centum on the amount thereof.

8. Express companies and telegraph companies having a place of business in the city, shall be divided into two classes, and shall pay a license tax, if in the first class, of five hundred dollars; if in the second class, of two hundred and fifty dollars.

9. Any person who desires to commence a business which is assessed with a class tax may apply to the chairman of the committee of finance, and the committee shall determine the class in which he shall be placed, and upon payment of such tax in the mode prescribed in the following section, he shall have the privilege of doing such business.

10. The aforesaid taxes on licenses shall go into the hands of the collector of city taxes, and be collected by him from the 15th to the 30th of April, inclusive, and his receipt shall be the license to the party paying for conducting the business on which the tax is levied. And all parties conducting business after the 1st day of May without a license shall be liable to a fine of not less than one dollar and no more than five dollars per day.

11. The committee on finance shall place each person and firm employed in the trade or business referred to in sections 3, 4, 5, 7 and 8, in the class to which the committee shall be of opinion such person or firm properly belongs, looking to all the circumstances of the case; and the assessor in making out his books, shall be governed by the action of the committee. The classification so made shall remain in the office of the auditor for one week; and the auditor shall give notice of the time, not less than one week from the date of the notice, in two or more of the daily papers of the city, when the committee on finance will meet to hear applications from all persons who shall think they are placed in too high a class; and the committee may thereupon change their classi-

fication, if they find reason therefor; after which time no change shall be made.

Concerning Assessment of Taxes.

[Passed May 30th, 1870.]

Amends section 14, page 75, by inserting after "*baker*" in 5th clause, the words "measurer or inspector of lumber."

Amends section 19, page 77, by striking out all after the word "*tax*," in the 7th line.

Amends section 34, page 82, by inserting "*three quarters of*" before "*one per centum.*"

Concerning Sale or Pledge of Second-hand Articles.

[Passed May 30th, 1871.]

"*Be it ordained by the Council of the City of Richmond,* That chapter sixteen of the city ordinances, concerning the sale or pledge of second-hand articles, be and the same is hereby amended and reordained, so as to read as follows:

1. Hereafter the keeper or keepers of every shop within the limits of the city of Richmond, where any kind of articles, such as watches, jewelry, junk, old metals, or other like commodities, and all kinds of second-hand articles, are purchased, sold, bartered, exchanged, or pledged, shall obtain from the chamberlain of the city a license to do so; and shall pay for said license the amount which such person or persons may have been assessed.

2. Every person receiving such license shall place the same in some prominent place in his shop where it may be seen by everyone. Such shop shall be open at all times to the inspection of the mayor, the police, or any citizen of the city, county, or State, and such mayor, police, citizen, or their

agents, shall have power to take and carry away any and every article of such citizen which may have been stolen, and bought by such dealer or dealers. No such business shall be carried on until the license tax shall have been paid; and the said license shall not be transferable; and the person or persons attempting to do the said business without first obtaining a lieense therefor shall be subject to a fine of not less than two hundred dollars, or imprisonment not less than thirty nor more than sixty days."

Concerning the Water Works.

[Passed June 15th, 1870.]

Amends section 14, page 149, by inserting in second line thereof after "*Monroe*" the words "*and Clay*;" and by striking out "*and*" in fourth line, and inserting, after "*Jefferson*," the words "*and Marshall.*"

Concerning Injuries to Real Property.

[Passed June 15th, 1870.]

"*Be it ordained by the Council of the City of Richmond*, That chapter fifty-five of the city ordinances be and the same is hereby amended to read as follows:

1. If any person shall wilfully destroy, injure, or in any manner deface any church or other house of public worship, or other public building in this city, belonging to this city or State, the county of Henrico or the United States, or any enclosure thereof, or any tree or plant set on the outside of any such enclosure appurtenant thereto, or shall wilfully destroy, injure or deface any tree, shrub or other thing within any such enclosure, he shall be fined not less

than one hundred nor more than two hundred dollars. And if any person, other than the owner, shall wilfully destroy, injure or deface any other house or building not his own, or the enclosure around any other lot not his own, or any tree, shrub or flower within the same, he shall be punished by like fine; and this section, with the assent of the Governor, shall apply not only to the capital square and the government house, but to all other enclosed grounds and buildings in this city belonging to the Commonwealth, and to the enclosures thereof, and the trees, shrubbery and other things therein.

2. If any person shall wilfully destroy, injure or in any manner deface any grave, tombstone or monument in any public or private cemetery in this city, or if any person, other than the owner, shall wilfully destroy, injure or deface any fence or enclosure thereof, or any tree, shrub, flower or other thing within such cemetery, he shall be fined not less than two hundred nor more than five hundred dollars; or if the fine be not paid, imprisonment for not less than thirty nor more than ninety days. And if any person, other than the owner, shall pluck, take or remove from such cemetery any flower, wreath, vine, plant or other ornament, he shall be fined not less than five nor more than one hundred dollars; or, if the fine be not paid, imprisonment for not less than thirty nor more than ninety days.

3. The keepers of all cemeteries, public buildings, parks or enclosures within the city, are vested with the powers of policemen of said city so far as the limits of their respective cemeteries, buildings, parks or enclosures are concerned.

4. If any person shall poste or paste any bill or notice of any description whatever upon any wall, building, tree-box or enclosure in the city, or paint or chalk or in any manner deface the same, without the consent of the owner or occu-

pier of the premises, he shall be fined not less than ten nor more than twenty dollars.

Concerning "Rules of the Council."

[Passed June 15, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That chapter seven of the ordinances be and the same hereby is amended and re-ordained to read as follows:

1. For the regulation of the proceedings of the council and the convenient transaction of its business, the following rules are adopted:

RULE I. A majority of the members of the council shall constitute a quorum for the transaction of business.

RULE II. The council shall elect one of its members to act as president, who shall preside at its meetings; and when from any cause, he shall be absent, they may appoint a president *pro tempore*, who shall preside during the absence of the president. The president, or the president *pro tempore*, who shall preside when the proceedings of a previous meeting are read, shall sign the same. The president shall have power at any time to call a meeting of the council; and in case of his absence, sickness, disability or refusal, the council may be convened by the order, in writing, of any three members of the council.

RULE III. The council shall meet on the first and third Monday in every month, at five o'clock in the afternoon, and also shall meet at any other time to which it may adjourn or be regularly called. If a quorum fail to attend within half an hour after the time appointed for a meeting, the clerk shall enter in the journal the names of those present, and the adjournment for want of a quorum.

RULE IV. Before the time of any meeting of the council,

the clerk shall make out and sign a notice thereof to each member. The notices shall be placed by the clerk in the hands of the messenger of the council, or in case of his sickness or absence from the city, a police officer of the city, at least a day before the meeting thereof, when the same is practicable. The officer in whose hands any such notice is placed, shall, on the day he receives it, promptly deliver the same to the member to whom it is addressed, or at his residence or place of business.

RULE V. The order of business at all meetings of the council shall be as follows :

REGULAR MEETINGS.

1. Reading proceedings of previous meetings.
2. Reports of standing committees.
3. Reports of special committees.
4. Special orders for business.
5. Unfinished business of previous meetings.
6. Introduction of ordinances, resolutions, or new business.
7. Presentation of petitions, claims, &c.

SPECIAL MEETINGS.

1. Reading proceedings of previous meeting.
2. Special business for which meeting is ordered. No other business shall be in order at a special meeting, except by consent of two-thirds of the members present, and if so allowed, shall be introduced in the order prescribed for regular meetings.

RULE VI. As soon as convenient after each organization of the council, there shall be appointed by the president the following standing committees, viz :

1. The Committee on Streets Generally, which shall consist of eleven members, of which at least two shall be from each ward ; and the members of the General Committee from

each ward, together with the chairman of the General Committee, shall be a Committee for the Ward.

2. The Committee for the Relief of the Poor, which shall consist of seven members.

The following committees to consist of five members:

3. The Committee on Finance.
4. The Committee on Light.
5. The Committee on Water.
6. The Committee on the Fire Department.
7. The Committee on Improvement of James River.
8. The Committee on Elections.

The following committees to consist of three members:

9. The Committee on Police.
10. The Committee on Claims and Salaries.
11. The Committee on Public Grounds and Buildings.
12. The Committee an Accounts and Printing.
13. The Committee on Health.
14. The Committee on Cemeteries.
15. The Committee on Ordinances.
16. The Committee on the First Market; one member from each of the wards, Jefferson, Madison and Marshall.
17. The committee on the second market; one member from each of the wards, Monroe, Madison and Clay.

Said committees shall meet regularly at such time and place as they may by rule determine, provided that such regular meetings shall be held at least once in every month. They shall also meet at any other time which they may prescribe, to which they may adjourn, or to which they may be called by their chairman. All reports of a committee to the council shall be in writing and signed by the chairman.

The president may be placed by the council upon any of the said committees.

The council may, by resolution, raise select committees for

a special purpose, which, if not otherwise directed, shall be appointed by the president.

RULE VII. Every application for a remission or repayment of a fine or tax shall be verified by the oath or affirmation of the applicant, and without special order shall stand referred, if a tax, to the committee on finance; if a fine or other claim, to the committee on claims and salaries. Before the committee reports to the council on the application, there shall (unless the committee dispense therewith) be reported to it the facts in regard to such tax by the assessor, and the facts in regard to such fine by the police officer who reported the case.

RULE VIII. Every petition, communication or address to the council, shall be in respectful language, and except in cases where it is otherwise allowed, shall be in writing.

RULE IX. No person who is not a member of the council shall orally address it, until leave to make such address has been applied for through a member of the council, and granted by it.

RULE X. A member shall address himself to the president, and be recognized by him as entitled to speak, before he proceeds. After being so recognized, the member (except when called to order by the president or another member) shall not be interrupted during the time allowed him. No member shall speak more than ten minutes at any one time, unless he be chairman of a committee, in explanation of a report or ordinance, when he shall be allowed, if he desire it, fifteen minutes; nor shall any member speak more than twice upon the same question. Remarks may be made by the presiding member under the same restrictions.

RULE XI. All debate shall be regular, decent, and without altercation or personal invective; it must also be pertinent to the question.

RULE XII. The presiding member shall not allow any one to speak longer or more frequently than these rules permit. He shall in this and all other matters preserve order, and decide any question raised concerning it; but any member may appeal from his decision to the council, which may affirm or reverse such decision.

RULE XIII. No resolution appropriating money, nor any ordinance, shall pass on the day the same shall be introduced; and every ordinance, when introduced, shall stand referred, without special order, to the committee on ordinances.

RULE XIV. On all ordinances or resolutions appropriating money exceeding the sum of one thousand dollars, imposing taxes or authorizing the borrowing of money, the yeas and nays shall be entered on the journal. And no ordinance shall be amended, suspended or repealed, except by ordinance regularly introduced and passed; nor shall any section of an ordinance be amended unless the whole section be re-enacted.

RULE XV. Every appointment to office by the council shall be by *viva voce* vote. When, a vote being taken, it appears that a majority of the members present do not concur in a vote for the same person, there shall be another vote taken, either then or at such other time as the council may determine on.

RULE XVI. Every member present when a question is put on an ordinance or resolution, shall, unless interested or excused from voting by the council, vote on one side or the other of such question. And every member present when the roll is called upon the occasion of an appointment to office, shall vote for some person to the office.

RULE XVII. After a member has at any meeting been entered as present, he shall not, without leave of the council,

absent himself from such meeting until its adjournment. A member violating this rule shall pay a fine of ten dollars.

RULE XVIII. The previous question may be called at any time, three members concurring.

RULE XIX. No question decided by the council shall be again brought forward during the year for which the council was elected, unless the same be moved within two months after the council has acted upon it, and on a motion for reconsideration, there be in favor of such reconsideration votes equal to or greater than the majority of the members present when the question was before decided. And when the motion is for reconsideration of an ordinance passed on any previous day, such motion shall not be in order, unless made before such ordinance takes effect. This rule shall not prevent an ordinance from being amended, suspended or repealed by an ordinance introduced and passed in the manner allowed by the fourteenth rule.

RULE XX. No vote shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of members as were present when such vote was taken.

RULE XXI. All business unfinished at the expiration of the year for which the council was elected, shall be considered as laid on the table, and may be acted upon thereafter, at the pleasure of the council.

RULE XXII. Any rule herein adopted may, at any particular time, be suspended for a special purpose, by a vote of two-thirds of the members present at the time, with the exception of rules 1, 2, 3, 6, 14, 19, 20 and 21, which shall only be suspended, amended or repealed by an ordinance introduced and passed in the manner allowed by the fourteenth rule.

Concerning the Mayor.

[Passed June 15, 1870.]

"*Be it ordained by the Council of the City of Richmond:*

1. It shall be the duty of the mayor to see that the laws of the State and the ordinances of the city be faithfully executed. He shall exercise a constant supervision and control over the conduct of all subordinate officers, and receive and examine into all complaints against them for neglect of duty. He shall recommend to the council such measures as he shall deem expedient; and, in general, maintain the peace and good order, and advance the prosperity of the city.

2. It shall be the duty of the mayor to communicate to the city council annually, as soon as may be after the commencement of the fiscal year, and oftener if he shall deem it expedient or be required by the council, a general statement of the situation and condition of the city in relation to its government, finances and improvement, with such recommendations as he may deem proper.

3. It shall be the duty of the mayor in all cases when he shall suspend or remove a subordinate officer, under the provisions of the constitution of the State, to report the same to the council at their next stated meeting, with his reasons therefor.

4. The mayor shall exercise all the powers and authority in criminal cases of a justice of the peace, but he shall receive no fees for such services. He shall also perform such other duties and exercise such other powers as are enjoined or conferred upon him by the constitution or laws of the State, or that may be required of him by any ordinance or resolution of the council.

5. In case of the absence or inability of the mayor, the president of the city council shall possess the same powers and discharge the municipal duties of the mayor during such absence or inability."

Concerning the Police Justice.

[Passed June 15, amended July 11, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That chapter eight of the ordinances be and the same hereby is repealed, and the following substituted:

1. At the first meeting of the council in the month of July, or as soon thereafter as practicable, and whenever a vacancy shall occur in the office, there shall be elected by the council a police justice. He shall hold his office for the term of two years, unless sooner removed, and until his successor shall be elected and qualify.

2. The said police justice shall hold a court daily, except Sundays, in said city, in such place as the council may designate. The jurisdiction of the court shall entend to all cases arising within the jurisdictional limits of the city, of which a justice of the peace may take cognizance under the laws of the State, and to all cases arising under the charter or ordinances of the city.

3. The police justice shall nominate to the council three persons as a clerk, and from the number thus nominated the council shall elect one to serve as clerk of the police justice. The said clerk shall perform such duties as may be required of him by the police justice, and shall also act as clerk or secretary to the board of police commissioners.

4. The police justice shall not be entitled to receive any fees as a justice of the peace, but shall receive in full compensation for his services a salary of fifteen hundred dollars

per annum. The clerk of the police justice shall receive in full compensation for his services a salary of one thousand dollars per annum.

5. All the fines and penalties imposed by the said police justice, and all the moneys that shall be paid or received by him as such, shall belong to the city; and the said police justice shall report on oath to the city council, at the first regular meeting thereof in each month, during the term for which he shall be elected, the number and names of persons fined by him, and the names of persons against whom judgment shall have been rendered by him for any penalty or penalties respectively, and all moneys collected or received by him as such police justice for fines and penalties, or otherwise; and also all disbursements made by him in abating nuisances, paying the necessary expenses of prisoners confined in the station houses awaiting examination before him, and other expenses incident to his office; the disbursements in every case must be supported by proper vouchers; which reports, after they have been submitted to and approved by the council, the city clerk shall file successively, as they are received, with the other papers and documents belonging to his office. The said police justice shall, on the first Monday in each and every month during his term of office, pay to the city treasurer all moneys received by him, hereinbefore declared to belong to the city. Any neglect to comply with the provisions of this section shall be good ground for the removal from office of said police justice.

6. It shall be the duty of the police justice, on the first Monday in June and the first Monday in December in every year, to deliver an account, verified by his oath, to the council, of all moneys, goods, wares and merchandise then remaining unclaimed in the custody of his court, and immediately thereafter to give notice daily for two successive weeks, in

two of the newspapers printed in the city, to all persons interested or claiming such property, that unless claimed by the owner, with satisfactory proof of such ownership, before a specified day, the same shall be sold at public auction to the highest bidder. On the day and at the place specified in said notice all property remaining unclaimed, except money, shall be sold at auction by said police justice, or under his direction. If any goods, wares, merchandise and chattels of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in the custody of said court, it shall be lawful for said police justice to sell the same at public auction, at such time and after such notice as to him shall seem proper. The said police justice shall, immediately after the sale of any property in accordance herewith, pay to the city treasurer, as aforesaid, all money remaining unclaimed in his hands as such police justice, and all moneys received by him upon such sale, after deducting the expenses thereof.

7. It shall be the duty of said Police Justice whenever he shall obtain possession of any stolen property, on his receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof on his paying all necessary and reasonable expenses which may have been incurred for the preservation or sustenance of such property. But no property shall be sold or delivered in pursuance of this or the preceding section if the Commonwealth's Attorney for the city shall direct that it shall remain unsold or undelivered for the purpose of being used as evidence in the administration of justice.

8. All dockets and other books kept by said Police Justice shall at all times be subject to the inspection or examination of the City Attorney, the City Council, or any member thereof.

9. It shall be the duty of the Board of Police Commis-

sioners, when so requested by the said Police Justice, to detail one or more of the city police to attend the court of said Police Justice, and perform such duties therein as may be required by the same.

10. If any person who has been duly summoned as a witness to attend and give evidence before the Police Justice, touching any matter or thing pending before him under the charter or any ordinance of the city, shall fail to attend in obedience to the said summons, he or she may be fined, at the discretion of the Police Justice, in a sum not exceeding twenty dollars.

11. At the first meeting of the Council in the month of July in each year, or as soon thereafter as practicable, the Council shall designate, by the drawing of lots, the seniority of the justices of the peace of the city. And whenever the Police Justice shall be absent from the city, or unable from any cause to hold his court, the same shall be holden by the senior justice of the peace present in the city and able to perform the duties. And when the said court shall be holden by a justice of the peace six or more days in succession, he shall be entitled to receive therefor the same compensation, *pro rata*, that is prescribed as salary to the Police Justice.

Concerning the City Clerk.

[Passed June 15th, '70; amended Feb. 20, 1871.]

Be it ordained by the Council of the City of Richmond:

1. There shall be appointed by the Council at the first meeting thereof in the month of July, or as soon thereafter as practicable, and whenever a vacancy shall occur, a City Clerk, who shall hold his office for the period of two years,

and until his successor shall be appointed and qualify, unless sooner removed from office by the Council.

2. The said City Clerk shall have the custody of the corporate seal. He shall in his office file all papers and preserve all books and papers which by provisions of the ordinances, or by direction of the Council, are required to be filed with or kept by him

3. He shall attend the meetings of the Council, and enter correctly its proceedings, and in a book kept for the purpose, record all the ordinances. The book of such proceedings, and the book of ordinances, shall be kept by him with an index referring to the different matters therein, and shall be open at all times to the inspection of any member of the Council. He shall act as clerk to such committees of the Council as shall require such service; and no committee shall appoint any clerk or other assistant without the consent of the Council. He shall make copies of or extracts from anything in said books when and as often as he may be required to do so by the Council, the President, or any chairman of any committee thereof. He may also make like copies or extracts, upon the request of any other person desiring the same, and may demand and receive from such other person a reasonable compensation therefor.

4. He shall regularly furnish the chairman of each committee with a copy of the resolution constituting it, and of all resolutions referring matters to his committee. It shall also be his duty, immediately after the close of each session of the Council, to make and present to the Mayor a transcript of every ordinance, resolution and order concerning any public improvement or for the payment of money, and every ordinance, resolution, order and act of a legislative character, passed by the Council at such sessions. He shall in like manner transmit to the Auditor a transcript of all ordinances,

resolutions or orders appropriating money or authorizing the payment of money, the issue of bonds or notes; and to the heads of all departments of the city government all ordinances, resolutions or orders relating to their departments. He shall in like manner give notice to parties presenting communications or petitions to the City Council of the final action of the Council on such communication or petitions.

5. He shall publish in such manner as may be directed, all reports and ordinances which he may be required by the ordinances to publish, and such other reports and ordinances as the Council may direct. And he shall in general perform such other acts and duties as the Council may from time to time require of him.

6. The said City Clerk shall receive, in full compensation for all public services rendered by him, a salary of eighteen hundred dollars per annum.

7. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed.

Concerning City Attorney.

[Passed June 15, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That chapter fifty-four of the Ordinances be and the same hereby is amended so as to read as follows:

1. At the first meeting of the Council in the month of July, or as soon thereafter as practicable, and whenever a vacancy shall occur in the office, there shall be elected by the Council an Attorney for the City, who shall be a resident citizen thereof, and who shall have been admitted to practice in the Courts of the Commonwealth. He shall hold his office

for the term of two years, unless sooner removed, and until his successor shall be appointed and qualify.

2. The said City Attorney shall have the management, charge and control of all the law business of the city, and be the legal adviser of the Mayor, City Council, or any committee thereof, and of the several departments of the city government, and when required shall furnish written or verbal opinions upon any subjects involving questions of law submitted to him by them.

3. It shall be the duty of said City Attorney to draft all bonds, deeds, obligations, contracts, leases, conveyances, agreements, and other legal instruments, of whatever nature, which may be required of him by any ordinance or order of the City Council, or which by any ordinance or order heretofore passed, may be requisite to be done and made by the city, or which may be required by any person or persons contracting with the city in its corporate capacity, and which, by law, usage or agreement, the city is to be at the expense of drawing. It shall also be his duty to commence and prosecute all actions and suits to be commenced by the city before any tribunal in this Commonwealth, whether in law or equity; and also, to appear in, defend and advocate the rights and interests of the city, or any of the officers of the city, in any suit or prosecution for any act, in the discharge of their official duties, wherein any estate, right, privilege, ordinances or acts of the city government may be brought in question. When the Mayor shall direct a prosecution for a nuisance, he shall appear for the prosecution when the case shall come into court; and if the Police Justice shall require it, he shall appear in such cases before him for the prosecution; and he shall perform such other duties as are or may be required of him for the city by any ordinance or resolution of the City Council.

4. In full compensation for his services, the City Attorney

shall receive a fixed salary of two thousand dollars per annum, payable monthly. In all cases, however, when his attendance may be required out of the city, his reasonable traveling expenses shall be allowed him.

Concerning Wagons, Drays, Carts and Hacks.

[Passed June 15th, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That chapter thirty-six of the city ordinances be, and the same is hereby amended, by the addition of the following sections:

15. The Mayor shall, from time to time, designate such place or places as he shall deem proper, at which hacks or other carriages may stand, waiting for employment. The owner or driver of any hack or other carriage which shall stand waiting for employment at any other time or place than shall have been designated by the Mayor, shall be fined not less than five nor more than twenty dollars for each offence.

16. The Mayor is hereby authorized to make regulations and give directions respecting the places or positions to be occupied by hacks or carriages at the public stands, or at any railroad depot, steamboat landing, canal packet landing, theatre or other place of public entertainment where they may be attending for passengers, and the route they shall go when going to or leaving any such place; and if any owner, driver, or any other person having the care of any such carriage, shall refuse to obey such regulations or directions, they shall be liable to a fine of not less than five nor more than twenty dollars for each offence.

[Passed September 5, 1870, and April 17, 1871.]

"*Be it ordained*, That section twelve of chapter thirty-six of the city ordinances, be amended and re-ordained so as to read as follows:

"12. The load of single carts shall not exceed one thousand five hundred pounds, and their width of tires shall not be less than two inches. The load for single drays or trucks shall not exceed two thousand five hundred pounds, and their width of tires shall not be less than two inches. The load for double carts, drays or trucks shall not exceed three thousand pounds, and their width of tires shall not be less than two inches. Three or four horse wagons or trucks shall carry a load not exceeding five thousand pounds, and their width of tires shall not be less than two and a half inches. Wagons or trucks carrying a load exceeding five thousand pounds, and not exceeding six thousand pounds, shall have tires not less than two and a half inches wide. Railroad cars, unless moved upon permanent or shifting tracks, shall pass over the streets upon eight wheels, with flat tires not less than six inches wide, or upon four wheels, with tires not less than ten inches wide; *provided*, that the Tredegar Iron Works Co. shall be allowed to carry the railroad cars built by them, until the first day of January, 1873, on the streets of the city, subject to the following conditions: They shall be carried along Tredegar street to Arch, along Arch to Tenth, and along Tenth to the south side of the basin in the rear of Gallego Mills, and thence along Twelfth or Thirteenth streets, into Cary street to the dock or river; and the said Tredegar Company shall be at the expense of repairing such extraordinary damages done to those streets, as the committee on streets shall be convinced exceed that which would have been done by ordinary vehicles hauling a

like amount of tonnage. Portable engines, exceeding ten thousand pounds, shall be moved on four wheels, with tires not less than six inches wide. Locomotive and stationary engines and heavy ordinance, exceeding five tons, shall be moved on four wheels, having tires not less than six inches wide. Any piece of machinery or other indivisible article, shall be transported upon wheels having tires corresponding in breadth to the weight of the piece of machinery or article, in the ratio specified for cars, engines or ordinance. The owner of any cart, dray truck or wagon, and the manufacturer or transporter of any cars, engines, machinery or other article, who shall fail to comply with the restrictions imposed by this chapter, shall, for every such offence, be fined not less than ten nor more than twenty dollars. That portion of this ordinance relating to the tires of carts, drays, trucks and wagons, shall go into operation on and after the first day of January, eighteen hundred and seventy two: *Provided*, however, that all such vehicles constructed subsequent to its passage, and all new wheels replacing those now in use, shall conform thereto; and that portion of this ordinance referring to the loads for carts, drays, trucks and wagons, and to cars, engines, machinery or other indivisible article, shall take effect from its passage. Nothing in this section shall apply to vehicles used by farmers or others living in the country, coming into the city with produce or fuel."

Concerning City Cemeteries.

[Passed June 21, 1870.]

"*Be it ordained by the Council of the City of Richmond*, That sections 2, 13, and 16 of chapter XXIII of the ordinances be, and the same are here amended so as to read as follows:

2. The committee shall annually, in the month of July, appoint a keeper for Oakwood Cemetery, who shall take charge of the same and keep it in order. The keeper shall act under the directions of the committee; and the committee shall take care that he performs his duties; and if he neglects the same, the committee may remove him and appoint another in his place, and shall report to the council the cause of the removal. If at any time the said office is vacant, the committee may fill the vacancy, and the keeper so appointed shall hold his office until the next July, unless sooner removed. The said keeper shall receive, in full compensation for his services, a salary of five hundred dollars per annum, and be entitled to live free of rent in the house on the premises: *Provided*, however, that no payments on account of salary shall be made to him until he shall have made all reports or returns that may be required of him by this ordinance or by the committee on cemeteries.

The Superintendent of the Almshouse, having been made also Keeper of the Shockoe Hill Cemetery, shall, as such keeper, be under the direction of the committee thereon, who shall see that the said keeper performs his duties, and if he neglects the same, the committee shall report him to the Council. He shall perform all the duties imposed upon him by this chapter, and shall keep an account of all moneys received by him for burials, and of all expended by him in the hire of hands and other necessary expenses of the said cemetery, and shall make monthly reports thereof to the committee; which monthly reports shall be consolidated quarterly and returned to the auditor. And at the time of returning the said consolidated quarterly report, he shall pay to the Chamberlain such sum as shall have been received by him for burials during the preceding quarter, after deducting the amount paid by him for the hire of hands and other necessary expenses of the cemetery.

13. No undertaker or other person shall move the dead body of any person who has died in the city, and has not been buried, to any place beyond the limits of the city or of its sanitary jurisdiction, without procuring a permit from the Board of Health, upon the aforesaid certificate from the attending physician or coroner. Nor shall any master, agent, or person having charge of or attached to any steamboat, sailing, or other vessel, car, stage, or any other public or private conveyance, convey, or allow to be conveyed, the dead body of any person who has died in the city, to any place beyond the limits of the city, or of its sanitary jurisdiction, without a permit as aforesaid.

16. In case any physician or coroner shall refuse or neglect to furnish such certificate as aforesaid, he shall forfeit and pay the sum of five dollars for each offence; and every undertaker, sexton, or other person, removing the dead body of any person, or who, having charge of any vault, burying-ground or cemetery, steamboat, vessel, car, stage, or any other public or private conveyance, refuses or neglects to perform any of the duties required by this ordinance, shall forfeit and pay for every such offence the sum of twenty-five dollars.

Concerning "Sample Merchants."

[Passed June 30, amended August 1, and November 21, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That the ordinance passed August 1, 1870, entitled "an ordinance to amend and re-ordain an ordinance to protect licensed merchants and traders," be and the same is hereby amended and re-ordained so as to read as follows:

"1. No person shall sell or offer for sale by sample, card or other representation within this city, any goods, wares, or

any article whatsoever, without having first obtained a license therefor.

"2. Any person desiring to sell goods by sample, card or other representation at a particular place of business, or by applying from house to house with his samples, shall first apply to the Mayor for a license to sell such goods. The Mayor shall determine whether or not a license shall be granted, and upon giving the party so applying an order on the City Treasurer, and upon the payment of the sum of ten dollars, in the mode prescribed, the Treasurer shall issue a license to sell such goods as he shall have named in the license issued and no other, by sample, card, or other representation for one month; and upon the payment of fifty dollars, he shall be allowed to sell for twelve months under the same conditions; said license to be renewed as often as the same may be applied for, unless forbidden by the Mayor. No license so granted shall be transferable to, or used by any person other than the one to whom and for whose use it was issued. The penalty for failing to comply with this section, shall be a fine of not less than fifty nor more than one hundred dollars, one-half to go to the informer; or, failing to pay said fine, the offender shall be imprisoned in the city jail not less than one nor more than eight weeks.

"3. But this ordinance is not intended to prohibit any regular licensed resident commission merchant from selling, by sample, at any place in the city through his clerks, or other employees, any goods which he may have actually and *bona fide* on consignment or in store. And in case of a prosecution under this ordinance, the *onus* shall be upon the commission merchant to prove that such goods have been actually and in good faith consigned to him, or are so situated as to be subject to his demands."

Concerning Justices of the Peace.

[Passed July 11, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That the Justices of the Peace of this city, shall be entitled to receive the same fees and compensation for their services, as are now allowed by law to the justices of the peace of the several townships of the State, and shall also be allowed a fee of fifty cents against the complainant for issuing every warrant of arrest or other process for the commencement of proceedings, for a violation of city ordinances or any other criminal prosecution, which fees the said justices shall be entitled to demand before issuing any such warrant or process."

Concerning Contracts for Supplies to the City.

[Passed July 18, 1870.]

"*Be it ordained by the Council of the City of Richmond,*

"1. That it shall not be lawful for a member of the said Council, or an officer of the city government, to contract for furnishing supplies of food, machinery, or any other articles for the use of said city, or to be interested in any such contract.

"2. That any person who shall violate this ordinance, shall be fined not less than one hundred dollars nor more than one thousand dollars; and, if a member of the Council, shall be deemed guilty of malfeasance in office, and expelled by a vote of two-thirds of the Council; and, if an officer of the city government, shall be liable to a like fine, and be deemed guilty of misconduct in office and removed therefrom."

Concerning Employment of Prisoners in the Jail.

[Passed July 18th, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That chapter forty-four, "concerning the employment of prisoners in the city jail," be amended and re-ordained so as to read as follows:

"1. The Police Justice of the city may, by his warrant, directed to the keeper of the jail of the city, order such persons as he may designate, and as are liable to be employed under the Act of the General Assembly, passed February twenty-sixth, eighteen hundred and fifty-six, and entitled 'An Act for establishing a work-house in the city of Richmond,' to be employed on the public works of the city, under the management of the overseer of the public hands. In said warrant shall be specified the names of such persons, the number of days and the hours of the day during which such persons shall be so employed; and for sufficient cause to him appearing, the Police Justice may supersede his said warrant, when the said employment of such persons shall cease. Such persons, under the management of the overseer, shall be employed on the same works, and in like manner, with the city hands under his control, but shall be furnished, while so employed by the keeper of the city jail with proper food, clothing and lodging, in like manner with the other prisoners committed to the jail.

"2. The Board of Police Commissioners may appoint one or more persons, not to exceed four, to attend the prisoners whilst at work, and passing and re-passing from the jail to the place of employment. It shall be the duty of such persons so appointed, to enforce orderly behavior and obedience of the prisoners to the overseer when out of the custody of the jailor; and for this purpose they may command any

person or persons to aid and assist in apprehending and securing such prisoners. Should any person, when required to aid and assist in apprehending and securing a prisoner as aforesaid, neglect or refuse so to aid and assist, such person shall pay a fine not exceeding ten dollars for every such offence.

"3. For the more perfect security of the prisoners, the Engineer of the City shall have provided a chain and ball for each prisoner that may be worked on the streets, to be affixed to his leg before leaving the jail, and not to be taken off until returned to jail.

"4. Any person charged with and duly performing the police duty provided for in the second section of this ordinance shall, on the certificate of the Board of Police Commissioners that he is justly entitled thereto, be paid the same compensation as a permanent policeman."

Concerning City Gauger and Inspector.

[As amended February 20, 1871.]

"*Be it ordained by the Council of the City of Richmond,* That chapter forty-one of the ordinances be, and the same hereby is amended to read as follows:

1. Biennially, at the regular meeting of the Council in the month of May, or as soon thereafter as may be convenient, the Council shall appoint a competent person, who shall be called 'Inspector and Gauger of Liquors.'

"2. It shall be the duty of the inspector and gauger so appointed, to provide himself with the most approved instruments for ascertaining the capacity of a barrel, hogshead, cask or other vessel, and the quality or proof of spiritous liquors, and when called upon for that purpose shall attend

with the same in any part of the city, and there gauge and ascertain the contents of any barrel, hogshead, cask or vessel, and examine the quality and proof thereof, and mark on such barrel, hogshead, cask or other vessel, near the bung, the capacity in gallons and fractions of gallons, and on the head, with chalk, the capacity and ullage.

"3. If any person shall alter, deface or change any of the marks or characters, made by the inspector aforesaid, or shall on any cask which has not been gauged and inspected, put a mark similar to, or in imitation of the gauger's mark, thereby to deceive and defraud the purchaser of distilled spirits, wines or other liquid merchandise so gauged and inspected, he shall for each offence pay a fine of not less than twenty dollars, together with cost of prosecution.

"4. Any person may sell, export or otherwise dispose of any foreign or domestic liquors, in casks—rum, wine, molasses or other liquid merchandise, in said city, without having the same gauged or inspected; but in cases of difference, between buyer and seller, as to the quanity and quality, either party may call in the inspector and gauger, and his judgment shall bind the parties—the party in error paying the gauger's fees.

"5. The said gauger and inspector shall, for his services, be entitled to demand and receive from the person or persons employing him as aforesaid, compensation as follows: For gauging and inspecting every barrel, hogshead, cask, or other vessel, the sum of (15) fifteen cents.

"6. No person engaged in vending or trading in, or manufacturing casks or liquors, individually, or as agent, clerk or employee of a trader, vender or manufacturer of said articles or either of them, shall be entitled to a license to act as gauger.

"7. The Inspector and gauger may appoint one or more

deputies, who after being approved by the Council, and taking an oath faithfully to discharge the duties of the office—may perform any of the duties of his principal—but the principal shall be accountable for the official conduct of such deputies.

"8. The person so appointed 'Inspector and Gauger of Liquors,' shall before entering upon the duties of his office, take and subscribe an oath or affirmation, faithfully and impartially to execute the duties of his office.

"9. The Common Council of the city of Richmond shall have power, at any time hereafter, to appoint one other Inspector of Liquors, if it shall, by said Council, be deemed necessary, who shall be subject in all respects to the provisions of this chapter; *Provided*, inspection or gauging under this chapter, shall in no case be compulsory upon the buyers or sellers of any liquors herein mentioned, unless the same has been agreed to by mutual consent of the parties.

10. This ordinance shall take effect from and after the 1st day of May, 1871."

Concerning Public Schools.

[Passed Febtuary 18, and August 1, 1870.]

Section 4. Amended by adding these words: "And also an estimate in writing of the expenses of the public schools for the next financial year, stating the amounts required for salaries, for incidental expenses, and for the alterations, repairs and erection of schools-houses."

Section 1. Amended so as to provide that *twelve*, instead of *seven*, members shall compose the Board of Education; and "*five*," in the the 7th line, changed to "*ten*," to correspond therewith.

Providing a Committee on Retrenchment and Reform.

[Passed August 1, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That there shall be selected annually at the first meeting of the Council, held in July, a Committee on Retrenchment and Reform, consisting of five members of the Council, whose duty it shall be to inquire into any branch of the city service, the duties of officers, and all other matters connected with the same as expressed in the ordinances, and with the expenditures of the money of the city; and that they report as often as they think proper, making such recommendations in the amendments of the ordinances, or in the duties of officers and employees, as they may deem necessary to secure the faithful performance of duties required, or such changes in their requirements as may be beneficial to the city and conducive to the economical administrstion of the government of the city."

Concerning Animals.

[Passed August 1, 1870.]

"*Be it ordained,* That section one, chapter forty-five, of the city ordinances, be amended and re-ordained, so as to read as follows:

"1. No hog or pig shall be kept on any lot, or allowed to go at large within the limits of the city; *Provided,* That in the wards Marshall, Jefferson, Monroe and Clay, upon special application, the Council shall be at liberty to grant special permission to the owners to keep such animals, upon such terms as the Council may, by resolution, prescribe. Any person violating the provisions of this section, shall pay a

fine of not less than two nor more than twenty dollars, and such hog or pig, kept or going at large without such permission, shall be forfeited to the city."

Concerning the Improvement of James River.

[Passed August 1, amended November 21, 1870.]

"*Be it ordained*, That at the first monthly meeting of the Council, which shall be held in the month of July of each year, the Council shall proceed to elect five of its members, and these members of the Council, with five citizens of Richmond who are not members of the Council, who shall be certified to the President of the Council by the President and Secretary of the Chamber of Commerce of Richmond, as having been elected by that body for the purpose, shall be named and designated as the Committee on the Improvement of James River.

"2. As soon as practicable after the formation of the committee, they shall elect a chairman from among their own number.

"3. A majority of the whole number shall be a quorum for the transaction of any business relating to their duties.

"4. They shall have charge of all the property belonging or appertaining to the improvement of the river; they shall elect an engineer, and assistants if necessary, and employ all persons who may be necessary to the prosecution of the work; but no such appointments shall be valid unless approved by the Council. All moneys appropriated and set apart for the work, shall be under the charge and keeping of the City Treasurer; and they shall be paid out on the warrants of the City Auditor, which shall be issued only on the

drafts of the engineer herein mentioned, attested by the auditing officer, and approved by the chairman of aforesaid committee.

"5. They shall meet once a month, and as much oftener as may be necessary.

"6. The committee shall make a written report of their operations to the Council at the first regular meeting held in each month, and with this report shall submit an estimate of the amount of money which will be required for their use during the succeeding month.

"7. In the event of an omission on the part of the Chamber of Commerce, to nominate the persons named in the first section of this ordinance, the Council shall elect five citizens who are not members of the Council, and they shall remain in office until the next annual appointment.

"8. In the event of a vacancy occurring in the committee, the committee shall fill the vacancy with a member of the Council, or a citizen not a member of the Council, as may be necessary to preserve the number of each, stated in the first section.

"9. All ordinances and resolutions, and portions of such as are in conflict with this ordinance, are hereby repealed."

Concerning Vagrants.

[Passed August 8, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That sections three and four of chapter XLIX of the City Ordinances, be amended and re-ordained so as to read as follows:

3. It shall be the duty of the police of the city, to arrest all persons having no ostensible means of support, who shall

have come to the city within the preceding six months, and all persons known as robbers, pickpockets, or professional thieves, and to take them before the Police Justice; and if the Police Justice shall be satisfied that they are such persons as are herein described, he shall, in the case of persons other than robbers, pickpockets, or professional thieves, commit them to jail until they can be sent back to the place from whence they came, if their former residence be ascertained, and if not, then to some place out of the State; and in the case of robbers, pickpockets, or persons known as professional thieves, the Police Justice shall, if he be satisfied that they are such and have been in the city more than six months, commit them to jail, in default of security for good behavior, for a term not exceeding twelve months. And if it appear that such persons have come to the city within the preceding six months, the Police Justice may, in his discretion, commit them to jail in default of surety for good behavior, for a term not exceeding twelve months, or send them back to the place from whence they came, if it can be ascertained, and if not, then to some place out of the State.

4. If the Police Justice can ascertain by whose steamboat or vessel, or by what railroad such persons were brought to the city or near it, he shall have them put on the cars of such railroad, or on such steamboat or vessel, and it shall be the duty of such railroad company, or the captain or master of such steamboat or vessel, to take back such persons at their own expense, or the expense of the persons themselves; and if such persons cannot be put on such cars or vessel, they shall be sent out of the State at the expense of the city."

Concerning Streets.

[Passed September 5, 1870.]

"*Be it ordained*, That section forty-three of chapter thirty-four of the city ordinances, concerning streets, be and the same is hereby amended and re-ordained so as to read as follows:

43. No person shall water any of the streets within the city by or with a watering cart (except under the direction and supervision of the Committee on Streets Generally), nor without having first obtained written permission from the said committee. The perforations of the sprinklers of said watering carts shall be limited to one-twentieth of an inch in diameter; and the streets shall not be passed over by said watering carts oftener than three times each day, under a penalty of not less than five nor more than fifty dollars for each and every offence. No such permission shall be given for a longer period than one year at any one time, and the person or persons obtaining it shall pay the regular license tax imposed on carts, and such rates for the use of water as may be imposed by direction of the Committee on Water."

[Passed November 7, 1870.]

"*Be it ordained*, That section thirty-three of chapter thirty-four of the City Ordinances be amended and re-ordained so as to read as follows:

33. No person or persons shall break or dig up, or assist in breaking or digging up, any part of any street, or remove any gravel, dirt or manure therefrom, without having first obtained the written permission of the Committee on Streets generally, or the Engineer of the city; nor shall any city officer, employee or contractor, or any other person, in laying gas or water piping, or in repairing the same, or in con-

structing or repairing culverts, or in making connections with city or private culverts, dig into or break up, or assist in digging into or breaking up any street or public alley, unless the earth removed by such digging or breaking up, be returned and thoroughly rammed or consolidated, so as to place the street or public alley in the same condition it was before such digging or breaking up, within ten days after the digging or breaking up of the same. Any person failing to comply with this section shall be liable to a penalty of not less than ten nor more than fifty dollars, one-half to the informer; and in case of such failure by any officer or employee of the city, such penalty to be deducted from the amount next payable to him for services."

Concerning Injuries to Port of Richmond.

[Passed September 5, 1870.]

Amending the ordinance by addition of these words, "one-half to be paid to the informer."

Concerning Fines and Penalties.

[Passed September 12, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That chapter fifty-nine of the City Ordinances be amended and re-ordained so as to read as follows:

1. Fines and penalties for the violation of any ordinance of the city, or any order of the Police Justice or other justice, given in pursuance of any ordinance, shall be recoverable by prosecution before the Police Justice in the Police Court; and when recovered shall inure to the use of the city.

2. Minors shall be prosecuted for breaches of ordinances,

in the same manner and to the same effect as adults; and if the minor be not an indentured apprentice, the fine may, in the discretion of the Police Justice or other justice, be imposed either on the minor or on his father or guardian; and if the offender be an indentured appentice, upon the master or apprentice. For any violation of any ordinance by a married woman the prosecution shall be against her husband, and the fine imposed on him.

3. When judgment shall be rendered for any fine under an ordinance and the same be not immediately paid, the Police Justice, or other justice rendering the same, shall issue executions thereon, to be levied of the goods and chattels of the person against whom such judgment is rendered, directed to any police officer of the city, returnable within fifteen days before the Police Justice or other justice issuing the same. The officer who may levy such executions shall sell the property thereby taken at public auction, for cash, at one of the market-houses in the city, after three days' notice of the time and place of sale, published in one of the daily papers printed in the city, to satisfy said execution, and all costs attending the levy and sale thereof."

Concerning the City Debt.

[Passed September 12, 1870.]

Substitutes "*Mayor*" for "*President of the Council,*" and "*Treasurer*" for "*Chamberlain,*" in the 1st and 8th sections.

Concerning School Buildings.

[Passed September 19, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That the Finance Committee be and they are hereby authorized and directed to issue coupon bonds of this city to the amount of one hundred thousand dollars, payable in thirty-four years, bearing interest at eight per cent. per annum, payable semi-annually on the first day of January and first day of July, and free of city tax, for the purpose of erecting or purchasing buildings for the public schools. The proceeds of said bonds when sold shall be paid into the City Treasury to the credit of the Board of Education, and shall not be used for any other purpose than that above specified: *provided,* that the Finance Committee shall be and are herby authorized to loan out from time to time, at interest on call, any balances of said proceeds until needed by the Board of Education."

Concerning Public Printing, Binding and Advertising.

[Passed September 19, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That the Committee on Printing shall annually contract for all the printing, binding and advertising required to be done for the city or its officers. They shall see that all printing is neatly executed upon paper of the quality prescribed by the Committee, and shall examine and approve all bills for printing, binding and advertising, subject to approval of Council."

Concerning a Surgeon of Police.

[Passed November 7, 1870.]

"1. *Be it ordained by the Council of the City of Richmond,* That there shall be appointed by the Board of Police Commissioners, with the approval of the Council, a Surgeon of Police, who shall attend all policemen when sick or otherwise physically unable to perform the duties of their position; and shall report, in writing, each day to the Chief of Police such men as may be unfit for duty, and when able to resume duty.

2. He shall carefully examine all men appointed to the position of policemen, and shall pronounce them physically able to perform all the duties thereof prior to their confirmation.

3. He shall receive, in full compensation for his services, the sum of $80 per month, to be paid out of a police fund in the hands of the Chief of Police; said fund to be raised by levying a tax not exceeding $1 per month upon the members of the police force; and in the event of such tax being insufficient to pay the monthly salary of said Surgeon of Police, the city shall not be bound, either in whole or in part, for the payment of said salary."

Concerning Council Messenger and Janitor.

[Passed 5th December, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That so much of chapter six, section one, of the City Ordinances, as relates to the Messenger of the Council, be and the same is hereby repealed."

"*Be it ordained by the Council of the City of Richmond,* That chapter nine of the Ordinances of the City of Richmond, be amended and re-ordained so as to read as follows:

1. There shall be elected annually, in the month of December, by the Council, a Janitor of the ~~City~~ Hall, who shall hold his office for one year, and until his successor is appointed.

2. He shall have charge of the ~~City~~ Hall ~~building~~, and the furniture and other property contained therein and the grounds connected therewith, and be held responsible for the safe keeping and proper protection of the same. He shall have the care of keeping, cleansing, warming and lighting such portions of the building as shall be required at any time for the use of the Courts, Council, committees, officers, or employees of the city.

3. He shall attend all meetings of the Council, and on the Committees of the Council, when they hold their meetings in the ~~City~~ Hall, and shall perform such services as the Council or the said committees may require of him. He shall also act as the messenger of the City Clerk and shall deliver, in person, all notices and summonses issued by the same to members of the Council or the committees thereof, and perform such other duties as may be required of him by the Clerk of the Council. He shall be in attendance at the ~~City~~ Hall, from 8 A. M. till 6 P. M., each day.

4. The Janitor shall have the power and authority of a policeman within the ~~City~~ Hall and the lot in which it stands, and also the sidewalks adjoining thereto.

5. He shall not be required to wait upon any of the courts, or any of the officers in the ~~City~~ Hall, other than as provided for in this ordinance."

Concerning the Auditor and Treasurer.

[Passed December 5, 1870.]

"*Be it ordained by the Council of the City of Richmond,* That chapter ten of the Ordinances of the City of Richmond, "Concerning the Auditor and Chamberlain of the City," be amended and re-ordained so as to read as follows:

1. The person elected to the office of Auditor shall, before acting in his office, give bond with security, approved by the Council; and shall, in the presence of the Council, take an oath, to be administered by its President, or, in his absence, by the member presiding for the time that he will faithfully perform the duties of his office to the best of his skill and judgment.

2. The Auditor shall give bond in the sum of thirty thousand dollars, which bond shall be deposited with the City Clerk.

3. The Auditor shall open and keep, in a neat and methodical manner, a complete set of books under the direction of the City Council, wherein shall be stated, among other things, the appropriations of the year for each distinct object and branch of expenditure, and also the receipts in detail from each and every source of revenue, so far as he can ascertain the same. Said books, and all papers, vouchers, contracts, bonds, receipts, and other things kept in said office, shall be subject to the examination of the Mayor, the members of the City Council, or any committee or committees thereof.

4. The said Auditor shall be charged with and exercise a general supervision over all the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues, and the collection and return of such revenues into the city treasury. He shall have charge of all deeds, mortgages, contracts, judgments, notes, bonds, debts,

choses in action, belonging to the said city, except such as are confided to the custody of the city Clerk, and such other papers as may be committed to his care by the City Council, by ordinance or otherwise.

5. The said Auditor shall examine all accounts, claims and demands for or against the said city ; and no money shall be drawn from the Treasury, or paid by the city to any person, except as herein otherwise provided, unless that balance due or payable be first settled and adjusted by the said Auditor ; and for the purpose of ascertaining the true state of any balance or balances so due, he shall have, and is hereby clothed with full power and authority to administer an oath or oaths to the claimant or claimants, or any other person or persons, whom he may think proper to examine as to any fact, matter, or thing concerning the correctness of any account, claim, or demand presented; and the person so sworn shall, if he swear falsely, be guilty of willful and corrupt perjury, and be subject to punishment by imprisonment in the penitentiary for not less than one nor more than five years.

6. All money found to be due and payable by the said Auditor to any person, shall be drawn by said Auditor by warrant on the Treasurer, stating the particular fund or appropriation to which the same is chargeable and the person to whom payable; and no money shall be drawn from the treasury except on the warrant of the Auditor, as aforesaid. But the Auditor is forbidden to issue his warrant for the payment of any money in excess of the appropriation on account of which said money is drawn, or unless the bill filed in his office shall show for what articles furnished or services rendered the warrant is issued.

7. It shall be the duty of said Auditor, as nearly as may be to charge all officers in the receipt of revenues or moneys of the city, with the whole amount, from time to time, of

such receipts; he shall also require of all officers in receipt of city moneys that they shall submit reports thereof, with vouchers and receipts of payment therefor into the city treasury, weekly or monthly, or as often as he shall see fit to require the same by any regulation which he may adopt; and if any such officer shall neglect to make an adjustment of his accounts, when required as aforesaid, and to pay over such moneys so received, it shall then be the duty of said Auditor to issue notice in writing, directed to such officer and his securities, requiring him or them, within ten days, to make settlement of his said account with the Auditor, and to pay over the balance of moneys found to be due and in his hands belonging to the said city, according to the books of said Auditor; and in case of the refusal or neglect of such officer to adjust his said accounts or pay over said balance to the Treasurer as required, it shall then be the duty of said Auditor to make report of the delinquency of such officer to the Mayor, who shall at once suspend him from office, proceed forthwith to institute the necessary proceedings for the removal of such officer from office and immediately on his removal, institute suit in the name of said city against him and his securities to recover the balance of moneys so found to be due and in his hands belonging to said city.

8. The Auditor shall make out an annual statement, as soon as possible after the end of each fiscal year, giving a full and detailed statement of all the receipts and expenditures during the said year. The said statement shall also detail the liabilities and expenditures during the year, the liabilities and resources of said city, the condition of all unexpended appropriations and contracts unfufilled, the balances of money then remaining in the treasury, with all sums due and outstanding, the names of all persons who may have become defaulters to the city, and the amounts in their hands unac-

counted for, and all other things necessary to exhibit the true financial condition of the city.

9. The Auditor shall annually submit to the City Council, at their first stated meeting after the beginning of the fiscal year, a report of the estimates necessary, as nearly as may be, to defray the expenses of the city government during the current fiscal year. He shall, in said report, class the different objects and branches of said city expenditure, giving, as nearly as may be, the amount required for each; and for this purpose he is authorized to require of all city officers and heads of departments their statements of the condition and expense of their respective departments and offices, with any proposed improvement, and the probable expense thereof, of contracts already made and unfinished, and the amount of unexpended appropriations of the preceding year. He shall also in such report show the aggregate income of the preceding fiscal year, from all sources; the amount of liabilities outstanding upon which interest is to be paid, and of bonds and city debts payable duing the year, when due and where payable, so that the City Council may fully understand the money exigencies and demands of the city for the current year.

10. In addition to the other duties of the said Auditor, it is hereby made his duty, on the last day of each and every month, to make out a monthly statement, giving a full and detailed account of all moneys received, from what sources and on what account received, and of all moneys ordered to be paid or drawn for by warrant by him, and on what account the same have been paid; and shall deliver said statement to the said City Council at their next meeting, to be filed after the adjournment of said Council, by the City Clerk with the papers belonging to his office.

11. The person elected to the office of Treasurer shall be-

fore acting in his office give bond, with security approved by the Council, and shall, in the presence of the Council, take an oath, to be administered by its President, or in his absence, by the member presiding for the time, that he will faithfully perform the duties of his office to the best of his skill and judgment.

12. The Treasurer shall give bond in the sum of one hundred thousand dollars, which bond shall be deposited with the City Clerk.

13. The Treasurer shall receive all moneys belonging to the city, and shall keep his office in some place designated by the Council. He shall keep his books and accounts in such manner as the City Council may prescribe and such books and accounts shall always be subject to the inspection of the Mayor and any member of the City Council, or any committee or committees thereof.

14. No money shall be paid out by the Treasurer except upon the warrant of the Auditor, issued as hereinbefore provided, and he shall keep a separate account of each fund or appropriation, and the debits or credits belonging thereto, corresponding as nearly as possible with those kept by the Auditor.

15. All moneys to be paid into the treasury of the city, except the bills for gas and water, and such other assessments as the City Council may so ordain, shall be paid by the person liable to pay the same, or his agent, to the treasurer, in the following manner: a warrant shall first be obtained from the Auditor, directing the Treasurer to receive the sum to be paid, specifying on what account the payment is to be made. Upon the payment of the money to the Treasurer, he shall give a receipt for the same, which shall be carried to the Auditor, and his receipt therefor shall be the acquittance of the party making the payment. Bills for gas and water,

and such other assessments as the City Council may so ordain, shall be paid directly to the Treasurer, who shall keep an account thereof, and make daily reports of accurate copies of such receipts to the Auditor.

16. The Treasurer shall, at the end of each and every month, and oftener if required, render an account to the Auditor, showing the state of treasury at the date of such account, and the balance of moneys in the treasury. He shall also, if required so to do by the Auditor, accompany such account with a statement of all moneys received into the treasury, and on what account, with a list of all warrants redeemed and paid by him during the month.

17. The Treasurer shall also report to the City Council, at the end of each fiscal year, and oftener if required, a full and detailed account of all receipts and expenditures during the preceding fiscal year, and the state of the treasury. He shall also keep a register of all warrants, their date, amount, number, the fund from which paid, and the person to whom paid, specifying also the time of payment; and all such warrants shall be examined, at the time of making such annual report to the City Council, by a committee thereof, who shall examine and compare the same with the books of the Auditor, and report discrepancies if any, to the City Council.

18. All moneys received on any special assessment shall be held by the Treasurer as a special fund, to be applied to the payment for which the assessment was made; and said money shall be used for no other purpose whatsoever.

19. The Treasurer may be required to keep all moneys in his hands, belonging to the city, in such place or places of deposit as the City Council may by ordinance provide, order, establish, or direct. Such moneys shall be kept distinct and separate from his own moneys; and he is hereby expressly prohibited from using, either directly or indirectly, the cor-

poration money or warrants in his custody and keeping, for his own use and benefit, or that of any person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office. In case of his removal, the City Council shall elect a qualified person to fill said office until the next regular charter election.

20. The Council shall, as soon as practicable after the Auditor and Treasurer have qualified respectively, elect one clerk for each officer; but such clerks shall not enter upon the discharge of their duties until they shall have taken an oath before the City Clerk for the faithful performance of the duties required, and shall have given bond in the sum of five thousand dollars each, with sureties approved by the Council. The clerks so appointed may be removed at any time by the City Council."

Concerning Salaries of Officers.

[Passed December 19, 1870.]

"*Be it ordained*, That section one of chapter six of the City Ordinances be, and the same is hereby amended and reordained, so as to read as follows:

1. The several officers of the city hereinafter mentioned, shall receive annually the following sums, that is to say:

The Mayor of the city, twenty-five hundred dollars.

The Recorder and Aldermen eight hundred dollars—to be divided among them in proportion to the number of days that the clerk of the court shall certify that they have attended on said court.

The Treasurer, two thousand dollars.

The clerk in the Treasurer's office, twelve hundred and fifty dollars.

The Auditor, eighteen hundred dollars.

The clerk in the Auditor's office, twelve hundred and fifty dollars.

The Engineer of the city, two thousand dollars.

The Superintendent of the Gas Works, eighteen hundred dollars.

The Inspector of Gas Works, fifteen hundred dollars.

The Superintendent of Water Works, eighteen hundred dollars.

The Assistant Superintendent of Water Works, twelve hundred and fifty dollars.

The Superintendent of the Pump House, one thousand dollars.

The Assistant Superintendent of the Pump House, eight hundred dollars.

The Clerk of the First Market, one thousand dollars. And for sweeping, white-washing, &c., of building and grounds, seven hundred and fifty dollars.

The Clerk of the Second Market, one thousand dollars.

The Chief Engineer of the Fire Brigade, one thousand dollars.

The commanders of the fire companies, each two hundred and fifty dollars.

The engineers of the steam fire engines, each nine hundred dollars.

The foremen of fire companies, each one hundred and eighty-seven dollars and fifty cents.

The firemen of the steam fire engines, each six hundred dollars.

The hostlers of the steam fire engines, each six hundred dollars.

The other firemen, each one hundred and twenty-five dollars.

The Superintendent of the Almshouse, Hospital, and Shockoe Hill Burying Ground, one thousand dollars. And he shall have, in addition thereto, the use of the house provided for the Superintendent, and his fuel, gas and water free of cost; and he shall have the privilege of taking supplies for his family from the provisions purchased for the Almshouse at the prices given for them.

Concerning Nuisances not in Streets.

[Passed December 19, 1870.]

Amends section seven, in third line, so as to read: "Any lime-kiln, or brick-kiln, he shall pay a fine," &c.

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